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AMERICANISM *VERSUS* IMPERIALISM.

BY ANDREW CARNEGIE.

For several grave reasons I regard possessions in the Far East as fraught with nothing but disaster to the Republic. Only one of these, however, can now be considered—the dangers of war and of the almost constant rumors and threats of war to which all nations interested in the Far East are subject. There is seldom a week which does not bring alarming reports of threatened hostilities, or of new alliances, or of changes of alliances, between the powers arming for the coming struggle. It is chiefly this Far Eastern question which keeps every shipyard, gunyard, and armor yard in the world busy night and day, Sunday and Saturday, forging engines of destruction. It is in that region the thunderbolt is expected; it is there the storm is to burst.

It is only four years since Japan defeated China and had ceded to it a portion of Chinese territory, the fruits of victory. Then appeared upon the scene a combination of France, Russia and Germany, which drove Japan out of China. Russia took part of the spoils for herself, and Germany later took territory near by. Japan got nothing. Britain, the most powerful of all, stood by neutral. Had she decided to defend Japan, the greatest war ever known would have been the probable result; the thunderbolt would have fallen. Were the question to be

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decided to-day, it is now considered probable that Britain would support Japan.

Germany obtained a concession in China, and Britain promptly appeared, demanding that Germany should maintain the "open door" in all her Chinese territory; the same demand was made on Russia. Both perforce consented. The Far East is a mine of dynamite, always liable to explode.

Into this magazine the United States proposes to enter and take a hand in the coming contest. It is obvious that what was done with Japan in regard to Chinese territory may be done with the United States in regard to her territory, the Philippines, and for the same reason, that the dictator is overwhelmingly strong and the victim helplessly weak.

The relative strength of the powers contending for Empire in the Far East is as follows: Great Britain has 80 first class ships of war, 581 warships in all; France has 50 first class warships, and a total of 403; Russia has 40 first class warships, 286 in all; Germany has 28 first class warships, a total of 216. Japan will soon rank with Germany, and be stronger there because close to the scene of action.

The United States proposes to enter into the zone of danger with 18 first class, and a total of 81 ships. These would hardly count as half that number, however, owing to her greater distance from the battle ground. Russia is 8,000 miles, the other Europeans about 9,000 miles from it. The United States is from 15,000 to 17,000 miles distant *via* the Cape and *via* the Straits; the route *via* Europe is about 12,000 miles, but that would be impracticable during war time, as the American ships going *via* Europe would pass right into the trap of their European enemies.

The armies of the European nations are as follows: Germany's army on a peace footing numbers 562,352 men, on a war footing 3,000,000 (and a large addition ordered); France's army on a peace footing, 615,413, on a war footing, 2,500,000; Russia's, on a peace footing, 750,944, on a war footing, 2,512,143. All Frenchmen and Germans over 20, and all Russians over 21 years of age, are subject to military service. They are, in fact, first soldiers, then citizens.

It is obvious that the United States cannot contest any question or oppose any demand of any one of its rivals which secures

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the neutrality of the other powers, as France, Germany and Russia did that of Britain. She cannot stand alone. What the *Saturday Review* says here is true:

"Let us be frank and say outright that we expect mutual gain in material interests from this *rapprochement*. The American Commissioners at Paris are making their bargains, whether they realize it or not, under the protecting naval strength of England, and we shall expect a material *quid pro quo* for this assistance. We expect the United States to deal generously with Canada in the matter of tariffs, and we expect to be remembered when the United States comes into possession of the Philippine Islands, and above all we expect her assistance on the day, which is quickly approaching, when the future of China comes up for settlement, for the young imperialist has entered upon a path where it will require a strong friend, and a lasting friendship between the two nations can be secured not by frothy sentimentality on public platforms, but by reciprocal advantages in solid material interests."

Bishop Potter has recently stated that we must become the "catspaw of Britain," if we venture into the arena, and that is true. By Britain's neutrality, and by that alone, were we permitted to take the Philippines at all from Spain. But for that, France, Germany and Russia never would have stood aloof, and the price demanded President McKinley has had to pay—the "open door," which secures the trade of our possessions for Britain. Nothing more significant has occurred than the statement of Senator Davis, Chairman of the Senate Committee upon Foreign Relations, whose ability, influence and position are alike commanding. He says:

"I favor a treaty of alliance including the United States, Great Britain and Japan, for the protection of all their interests north of the equator. The rest of the world would have a wholesome fear, synonymous with respect, for us."

We may assume after this that it is true, that, just as we were allowed by Britain to take the Philippines from Spain, so our position in the East depends upon her continued support or alliance—rather a humiliating position, I should say, for the Republic. But let us see about alliances. Can we depend upon an alliance? National combinations change with alarming rapidity in Europe. France and Britain allied, fought the Crimean War; they took Sebastopol as we took Manila. Their flags waved together there, but they did not consider that that fact gave them the right to demand territory. To-day Russia and France are in firm alliance against Britain and other nations. Germany fought Austria; to-day they are in the Triple Alliance together. Italy

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allied with France fought the Battle of Solferino; to-day Italy is a member of the Triple Alliance against France. Europe is a kaleidoscope, where alliances change, dissolve, recombine and take other forms with passing events. During the past week the bitter enmity which recently existed between Germany and Britain, owing to German interference in the Transvaal, is changed, and it is announced that "they see together upon many points and expect to co-operate more and more in the future." This morning the question is: Shall France and Germany combine for some common ends? This would have been considered remarkable a short time ago, but statesmen will remember that Germany and France did combine with Russia to drive Japan out of China. There is no alliance, not even the most apparently incongruous, that cannot be made, and that will not be made, to meet the immediate interests or ambitions of nations. Senator Davis seems to rest satisfied with an alliance for his country with Britain and Japan. If he had an alliance today, it might not be worth the paper it was written upon tomorrow.

I say, therefore, that no American statesman should place his country in any position which it could not defend, relying only upon its own strong right arm. Its arm at present is not much to depend upon; its 81 ships of war are too trifling to be taken into account; and as for its army—what are its 56,000 regulars? Its volunteers are being disbanded. Both its Navy and its Army are good for one thing only—for easy capture or destruction by either one of the stronger powers. It is the protection of Britain, and that alone, upon which we have to rely—in the Far East—a slender thread indeed. Upon the shifting sands of alliances we are to have our only foundation.

The writer is not of those who believe that the Republic cannot make herself strong enough to walk alone, and to hold her own, and to be an imperial power of herself, and by herself, and not the weak *protegé* of a real imperial power. But, in order to make herself an imperial power she must do as imperial powers do—she must create a navy equal to the navy of any other power. She must have hundreds of thousands of regular troops to cooperate with the navy.

If she devoted herself exclusively and unceasingly to creating a navy equal to that of Britain, for instance, which is what she

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will need, if she is not to be at the mercy of stronger powers, that will be the work of more than twenty years, building twenty warships per year; hitherto our navy has added only six per year. In order to get the men to man these ships, she must take the means to educate them. That she can do this there is no question; that the American either on sea or land is at least equal to the man of any other nation cannot be gainsaid. More than this, I know the American workman, especially the mechanic, to be the most skillful, most versatile, in the world—and victories at sea depend as much upon the mechanic below as upon the gunner on deck, and American gunners have no equals. It was no surprise to me that the American warships sunk those of Spain without loss. I spent last winter abroad in the society of distinguished men of European nations who congregate at Cannes. The opinion was universally held by them that for a time the Spanish Navy would be master over us, although it was admitted the superior resources of the United States must eventually ensure victory. I said then that, whenever any warships in the world met those of the American Navy, the other worships would go to the bottom—for two reasons; first, our ships were the latest and their equipment was the best, and, second, I knew the kind of men who were behind the guns. If ever the Republic falls from her industrial ideals and descends to the level of the war ideals of Europe she will be supreme. I have no doubt of that. The man whom this stimulating climate produces is the wiriest, quickest, most versatile of all men, and the power of organization exists in the American in greater perfection than in any other. But what I submit is that at present the Republic is an industrial hive, without an adequate navy and without soldiers; that she therefore must have a protector; and that if she is to figure in the East she cannot be in any sense an imperial power at all. Imperialism implies naval and military force behind; moral force, education, civilization, are not the backbone of Imperialism; these are the moral forces which make for the higher civilization, for Americanism—the foundation for Imperialism is brutal physical strength, fighting men with material forces, warships and artillery.

The author of "A Look Ahead," which first appeared in this REVIEW, is not likely to be suspected of hostility to the coming together of the English-speaking race. It has been my dream,

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and it is one of the movements that lie closest to my heart. For many years the United flag has floated from my summer home in my native land, the Stars and Stripes and the Union Jack sewn together—the first of that kind of flag ever seen. That flag will continue to fly there and the winds to blow the two from side to side in loving embrace. But I do not favor a formal alliance, such as that desired by Senator Davis. On the contrary, I rely upon the "alliance of hearts," which happily exists to-day. Alliances of fighting power form and dissolve with the questions which arise from time to time. The patriotism of race lies deeper and is not disturbed by waves upon the surface. The present era of good feeling between the old and the new lands means that the home of Shakespeare and Burns will never be invaded without other than native-born Britons being found in its defence. It means that the giant child, the Republic, is not to be set upon by a combination of other races and pushed to its destruction without a growl coming from the old lion which will shake the earth. But it should not mean that either the old land or the new binds itself to support the other in all its designs, either at home or abroad, but that the Republic shall remain the friend of all nations and the ally of none; that, being free to-day of all foreign entanglements, she shall not undertake to support Britain, who has these to deal with. Take Russia for instance. Only last year leading statesmen were pushing Britain into a crusade against that country. They proposed to prevent its legitimate expansion toward the Pacific—legitimate, because it is over coterminous territory, which Russia can absorb and Russianize, keeping her empire solid. She knows better than to have outlying possessions open to attack. Russia has always been the friend of the United States. When Lord Palmerston, Prime Minister of Great Britain, proposed to recognize the South, Russia sent her fleet to New York. Russia sold us Alaska; we have no opposing interests to those of Russia; the two nations are the only two great nations in the world, solid, compact, impregnable, because each has developed only coterminous territory, upon which its own race could grow. Even in the matter of trade with Russia, our exports are increasing with wonderful rapidity. Shiploads of American locomotives, American steel bridges and American electrical machinery for her leave our shores. Everything in which our country is either supreme or becoming supreme goes to Russia. Suppose

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Britain and Russia clash in the Far East and we have an alliance with Britain, we are at war against one of our best friends.

The sister Republic of France and our own, from her very beginning, have been close friends. The services France rendered at the Revolution may be, but should never be, forgotten by the American. That some interests in France sympathized with Spain was only natural. The financial world in France held the Spanish debt. The religion of France is the religion of Spain. The enemies of the French Republic sided with the monarchy. But this can be said without fear of contradiction, that those who govern France stood the friends of our Republic, and that our enemies in France were also the enemies of the French Government. An alliance with Britain and Japan would make us a possible enemy of France. I would not make an alliance which involved that. I would make no alliance with any power under any circumstances that can be imagined; I would have the Republic remain the friend of all powers. That has been her policy from the beginning, and so it should remain.

When "the world shall have a wholesome fear synonymous with respect for us," as Senator Davis desires, it will not be a good day for the Republic. Adherence to Washington's desire seems better to me—that we should be the "friends of all nations"—a wholesome friendship instead of a "wholesome fear."

Reference has been made to possible difference arising between the protector and its ward, but I do not wish to be understood as entertaining the belief that actual war is probable between them. Far from this, my opinion is that actual war will never exist again between the two branches of the English-speaking race. Should one have a grievance, the other would offer Arbitration, and no government of either could exist which refused that offer. The most powerful government ever known in Britain was that of Lord Salisbury, when President Cleveland rightfully demanded Arbitration in the Venezuelan case. As is well known, Mr. Gladstone's government had agreed to Arbitration. Lord Salisbury, upon coming into power, repudiated that agreement. Lord Salisbury denied President Cleveland's request, and what was the result? Some uninformed persons in the United States believe that he was compelled to withdraw his refusal and accede to President Cleveland's request by the attitude of the United States. That was only partially true. The forces in Britain supporting Lord

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Salisbury compelled him to reverse his decision. This is an open secret. Those nearest and next to him in power who sided with President Cleveland could be named; but the published cables are sufficient. The heir and the next heir to the throne cabled "that they hoped and *believed* the question would be peacefully settled." That behind this cable was the Queen herself, always the friend of the Republic, need not be doubted.

The idea of actual war between Great Britain and the Republic can be dismissed as something which need not be taken into account; but what is to be feared is this: the neutrality of Britain —even to-day desired by other powers—in case her ward gave her offence, or was as she supposed, ungrateful, and did not make full return for the protection accorded to the weakling, as we have said. It did not require the active hostility of Great Britain to thwart Japan and push her out of her possessions, but simply her decision not to interfere on Japan's behalf. Had Japan had satisfactory advantages to offer to Britain, she might have had Britain's support. It is the satisfactory bargain that alliances are founded upon in Europe; every European nation has its price, and every one of them has something which the other covets. France could give Britain a free hand in Egypt, Germany could concur in Britain's acquisition of Delagoa Bay and end her troubles in the Transvaal. This is something Britain dearly covets. Russia could give Britain a desired frontier in India. These nations have all co-related interests and desires, and no man can predict what alliances will be broken and what made—it is all a matter of self-interest. The United States has not this position. She has little desirable to offer in exchange for alliance, and in all probability she would be sacrificed for the aims of her strong rivals—at least she might be, being herself powerless.

When a statesman has in his keeping the position and interests of his country, all speculation as to the future fruition of ideas of what should be or what will one day rule the world, and of the "good day coming" when the pen shall supersede the sword, and of all the noble hopes and aspirations for a better future, must be resolutely dismissed. It is not with things as they are to be in the future, but with things as they are in the present, that it is his serious duty to deal. The dream, in which no one perhaps indulges more than the writer, of the union of the English-speaking race, even that entrancing dream must be recog-

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nized as only a dream. The "Parliament of Man, the Federation of the World," we know is to come. The evolutionist has never any doubt about the realization of the highest ideals from the operation of that tendency within us, not ourselves, which makes for righteousness. But he is no statesman—he is only a dreamer—who allows his hopes to stand against facts, and he who proposes that the United States, as she stands to-day, shall enter into the coming struggle in the Far East, depending upon any alliance that can be made with any or all of the powers, seems unsuited to shape the policy or deal with the destinies of the Republic.

Just consider her position, solid, compact, impregnable; if all the naval forces were to combine to attack her what would be her reply? She would fill her ports with mines, she would draw her ships of war behind them, ready to rush out as favorable opportunities might offer to attack. But she would do more than this in extremity; she would close her ports—a few loaded scows would do the business—and all the powers in the world would be impotent to injure her seriously. The fringe only would be troubled; the great empire within would scarcely feel the attack. The injury she would inflict upon the principal powers by closing her ports would be much more serious than could be inflicted upon her; because non-exportation of food-stuffs and cotton would mean famine and distress to Britain and injure her to a greater degree than loss in battle. Even in France and in Germany the results of non-exportation would be more serious than the effects of ordinary war. It would only be a matter of a short time until the powers recognized how futile was their attempt to injure seriously this self-contained Republic, whose estate here lies secure within a ring fence.

The national wealth would not grow as fast during the blockade, but that is all. Our foreign trade would suffer, but that is a trifle, not more than four per cent. of our domestic commerce. No expert estimates the annual domestic exchanges of the people at less than fifty thousand millions of dollars; those of exports and imports have never yet reached quite two thousand millions. The annual increase of domestic exchanges is estimated to be just about equal to the total of all our Foreign Trade, Imports and Exports combined. Labor would be displaced, but the new demand upon it caused by the new state of affairs would employ

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it all. We should emerge from the embargo without serious injury. So much for the impregnability of the Republic. To-day Fortune rains upon her. For the first time in her history, she has become the greatest exporting nation in the world, even the exports of Britain being less than hers. Her manufactures are invading all lands, commercial expansion proceeds by leaps and bounds; New York has become the financial centre of the world. It is London no more, but New York, which is to-day the financial centre. This, however, is not yet to be claimed as permanent, but it promises to become so ere long, unless the Republic becomes involved in European wars through Imperialism. Labor is in demand at the highest wages paid in the world; the Industrial supremacy of the world lies at our feet. Two questions are submitted to the decision of the American people: First—Shall we remain as we are, solid, compact, impregnable, republican, American; or, Second—Shall we creep under the protection, and become, as Bishop Potter says, "the catspaw," of Britain, in order that we may grasp the phantom of Imperialism ?

If the latter be the choice, then it is submitted that we must first begin quietly to prepare ourselves for the new work which Imperialism imposes.

We need a large regular army of trained soldiers. There is no use trying to encounter regular armies with volunteers—we have found that out. Not that volunteers would not be superior to the class of men we shall get to enlist simply for pay in the regular army, if they would enlist there and be trained, but because they are not trained. Thirty-eight thousand more men are to be called for the regular army; but it is easy "to call spirits from the vasty deep"—they may not come. The present force of the army is 62,000 men by law; we have only 56,000, as the President tells us in his message. Why do we not first fill up the gap, instead of asking for legislation to enlist more? Because Labor is well employed and men are scarce in some States to-day; because men who now enlist know for what they are wanted, and that kind of work is not what American soldiers have been asked to perform hitherto. They have never had to leave their own country, much less to shoot down men whose only crime against the Republic was that they too, like ourselves, desired their country's independence and believed in the Declaration of Independence—in

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Americanism. The President may not get the soldiers he desires, and whom he must have if he is not to make shipwreck of his Imperialism. There is very grave reason to doubt whether the army can be raised even to one hundred thousand men without a great advance in pay, perhaps not without conscription.

But surely before we appear in the arena in the Far East we must have a large regular army.

The second indispensable requirement is a navy corresponding, at least in some degree, to the navies of the other powers interested in the East. We can get this in twenty years, perhaps, if we push matters, but this means building twenty ships a year. The securing of men trained to man them will be as difficult a task as the building of the ships.

When we have armed ourselves thus, but not till then, shall we be in a position to take and hold territory in the Far East "by the sole power of our unlorded will," as we should hold it, or not hold it at all. To rush in now, without army or navy, trusting to the treacherous shifting foundation of anybody's "protection," or "neutrality," or "alliance," is to court defeat, and such humiliation as has rarely fallen to the lot of any nation, even the poorest and most madly or most foolishly governed. It is not good sense.

This ends the subject upon which I undertook to write, but there remains the practical question: What shall we do with the Philippines? These are not ours, unless the Senate approves the Treaty; but, assuming that it will, that question arises.

The question can best be answered by asking another: What have we promised to do with Cuba? The cases are as nearly parallel as similar cases usually are. We drove Spain out of both Cuba and the Philippines. Our ships lie in the harbors of both. Our flag waves over both. To Cuba the President in his message renews the pledge given by Congress—she is to be aided to form a "Free and Independent Government, at the earliest possible moment."

The magic words "Free and Independent" will be accepted by the people of Cuba and our soldiers hailed as deliverers. So well assured of this is our government, that only one-half the number of troops intended for Cuba are now to be sent there.

Even if we were tempted to play false to our pledge, as the enemies of the Republic in Europe predict we shall, the aspirations of a people for Independence are seldom quenched. There

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are a great number of Americans, and these of the best, who would soon revolt at our soldiers being used against the Cubans fighting for what they had been promised. The latest advices I have from Cuba are from a good source. This necessity is not likely to arise. Cuba will soon form a government, and, mark my prediction, she will ask for annexation. The proprietors of Cuba who will control the new government, and many Americans who are becoming interested with them in estates there, will see to this. "Free sugar" means fortune to all. Will the United States admit Cuba? Doubtful. But Cuba need not trouble us very much. There is no "Imperialism" here—no danger of foreign wars.

Now why is the policy adopted for the Island of Cuba not the right policy for the Philippine Islands? General Schofield states that 30,000 troops will be required there, as we may have to "lick them." What work this for Americans! General Miles thinks 25,000 will do. If we promised them what we have promised Cuba, half the number would suffice, as with Cuba—probably less—and we should be spared the uncongenial task of shooting down people who were guiltless of offence against us.

If we insist "the slaves are ours because we bought them," and fail to tell them we come not as slave drivers, but as friends to assist them to Independence, we may have to "lick them" no doubt. It will say much for the Filipinos if they do rebel against "being bought and sold like cattle." It would be difficult to give a better proof of their fitness for self government.

Cuba is under the shield of the Monroe doctrine; no foreign interference is possible there. Place the Philippines under similar conditions until they have a stable government, when eight millions of people can be trusted to protect themselves. The truth is that none of the powers would risk the hostility of eight millions of people, who had tasted the hope of Independence. "Free and Independent" are magical words, never forgotten, and rarely unrealized.

Only one objection can be made to this policy. They are not fit to govern themselves. First, this has not been proved. This was said of every one of the sixteen Spanish Republics as they broke away from Spain; it was said even of Mexico within this generation; it was the belief of the British about ourselves. There is in the writer's opinion little force in the objection. In the Far East I have visited the village communities in India, to

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find even there a system of self-government dating back for two thousand years. In no country, not even the most backward, are not to be found government and "orders and degrees" of men.

The head men of tribes and others of lesser authority are often selected by the members. In the wild lands of the Afridis—a tribe in India which has just baffled seventy thousand soldiers, native and British, the largest army ever assembled there—there is a system of self-government, and a rigid one. Human societies cannot exist without establishing, as a rule, peace and order in greater or less perfection.

The Filipinos are by no means in the lowest scale—far from it—nor are they much lower than the Cubans. If left to themselves they will make mistakes, but what nation does not? Riot and bloodshed may break out—in which nation are these absent? certainly not in our own; but the inevitable result will be a government better suited to the people than any that our soldiers and their officers could ever give.

Thus only can the Republic stand true to its pledges, that the sword was drawn only in the cause of humanity and not for territorial aggrandizement, and true to the fundamental principles upon which she rests: "that government derives its just powers from the consent of the governed;" that the flag, wherever it floats, shall proclaim "the equality of the citizen," "one man's privilege every man's right"—"that all men are created equal," not that under its sway part only shall be citizens with rights and part only subjects without rights—freemen and serfs, not all freemen. Such is the issue between Americanism and Imperialism.

ANDREW CARNEGIE.

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THE LITERATURE OF ACTION.

BY EDMUND GOSSE.

At the moment when I write these lines there is noticeable through the British Empire a very strange alertness of concentrated attention. Sir George Robertson tells us that when Chitral was being besieged, the garrison, in the midst of its patient labors, was suddenly transfixed in silence by a subterranean sound, the muffled, vibrating thud of a pick. The enemy were mining the gun-tower. Something of that sudden silence lies upon England as I write. It has dawned upon us that we may find it absolutely necessary to rebuff and chastise an intolerable intrusion upon our rights; we hate the idea of war, but our very existence as a nation may require us to entertain it. That is the attitude, the feeling in the air; everybody is listening to the sound of the pick axe. In this tension, home politics are forgotten. The nation has but a single thought, the possibility of the need of one great act of self-preservation. My own memories go back, faintly, so far as to the Crimean War; never, in all those variegated years, have I seen anything approaching the attentive silence of to-day. The lion has straightened his front paws, and rises, and listens.

All may—and we are humane enough and sensible enough to hope that all will—pass by, and the lion sink again into his fur. But this attitude of undaunted expectancy is very remarkable, especially in a people little given to a display of the emotions. And the absolute unanimity of it is more than curious. In this solemn pose there are no parties, no dissensions; the nation watches, gravely, with a single heart. It has struck me, in this taut moment of time, when a man can hardly plunge himself into the delectable waters of poetry and the fine shades, that it might

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be interesting to note how literature is affected by this movement, or rather what is the relation of literature to this readiness for action. It is proper, in the first instance, to realize that the condition which has enabled Great Britain to thrill so suddenly with a defensive patriotism, is not entirely new. Our memories are so short that we take each surprise for something unprecedented. I borrowed, therefore, at the opening of this article, my little illustration from the siege of Chitral, because, although a new, a more critical, danger has abruptly attracted our attention now, for years past we have been in the position of a beleaguered town, which no one has quite liked to be the first to attack.

Without intruding an inch further into politics, but keeping to our own province of literature, it appears to me to be of interest to note that this besieged attitude of Great Britain among the European nations, which has almost insensibly become accentuated, has been accompanied by a certain literary movement. If we look back to the years before the first Egyptian campaign, we shall be surprised to see how pacific our tastes were, how little encouragement was given to the literature of action. There was a distinct dislike, early in the eighties, to any narrative which exalted the boisterous part of man. Fiction, poetry and drama were expected to be idyllic or reflective. Even history, amusingly enough, had its romantic coloring washed off it, and its exciting incidents reduced. It was said that if young people studied history they should concentrate their attention, not on battles, but on the Constitution; and Dr. Stubbs supplied the learned want.

The revival of active romance may be roughly dated from the publication of Stevenson's "Treasure Island," a book which it was my privilege to watch through all its stages of creation. "Treasure Island" was so completely foreign to the spirit of the time, that it was only a very third-rate boys' newspaper that would consent to publish it at all, and it is a curious circumstance (of which I could give documentary proof) that it was found too romantic a tale of action for the boy subscribers to this silly print. If the editor could have broken off his contract, the end of "Treasure Island" would never have appeared. It was reprinted as a volume, with the overwhelming vogue which all the world is aware of; for a new taste was germinating in the public, and this graceful story of adventure was exactly the thing to foster it.

In "Treasure Island" the British public became habituated to

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violent death and breathless incident in a romance; but it was in "King Solomon's Mines" that these condiments first began to be used with a free hand. Mr. Rider Haggard had been writing for two or three years when, in 1886, he suddenly took the public by storm. In the very ingenious story I have just mentioned, English readers were given a rougher and fierier liquor than had been offered to them since the Crimean War, and Stevenson's romances, which became more serious and more adult than "Treasure Island," never equalled those of Mr. Rider Haggard in bloodthirstiness. The latter writer discovered that he supplied a demand which he seemed to have created; in some of his later African romances, which are little more than colonial butcheries, he distinctly oversupplied it. "Nada, The Lily," with its innocent name, is unquestionably the bloodiest book in the world. This was extravagant, and Mr. Rider Haggard's vogue for this class of romance declined. It is improbable that this very clever novelist—whose powers of invention are most unfairly depreciated at the present moment—will ever return to that sort of work. But his influence in awakening a taste for violent and sanguinary action is not to be underestimated.

Then came a period of materialistic awakening. Everywhere in the Empire the natural elements—the barbarian elements, if we will—found expression. Our incessant "little wars" were followed with a sympathy which had constantly been denied to them in the Middle Victorian period; and each little war increased our appetite for another. At the same time there began, and flowed over the country like a wave, an unexampled enthusiasm for every kind of athletics. A fresh interest in the navy was awakened, and as the peace party subsided and disappeared throughout the country, greater and greater sacrifices were cheerfully made for the support of our ships. If nowadays we read Matthew Arnold's old diatribes against our upper classes, we may smile; there is no question now of upper, middle or lower, for the Barbarian holds the field undisturbed. We have become, in a dozen years, a nation but faintly interested in any subject which does not bear upon the training and development of the muscles, individual or politic. England has gone to school under a colossal Sandow and has no time, for the moment, to think of anything else.

However much the philosopher and the dreamer may regret the necessity of this strange obsession in physical strength—and

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the present writer, himself a useless dreamer, sighs beneath it—no one with a grain of sense can doubt that circumstances point to its being an unavoidable preparation for a crisis in national history by no means far ahead. That being the position, it seems obvious that all that can in any wise direction be done, is to try with all the feeble force at our disposition to point readers—who insist, by a healthy instinct, on the literature of action—to books of adventure that encourage the best sides of the Anglo-Saxon temperament. In the feverish demand for entertaining narratives of the adventurous class, two distinct tendencies may be seen. One is towards the entirely monstrous and fantastic, in which real life and the genuine spirit of man are subordinated to a mere dram-drinking of foolish horrors. This autumn, we have seen in London the most preposterous example of this ever foisted on a gaping public, the fabulous exploits of a Swiss courier, masquerading as a man of science, and taking thousands of foolish readers captive with tales of wombats soaring in the sunset sky, and faithful colored wives who eat their children that they may nurse their husbands with a more devoted freedom. It is plain that the craving for monstrosities of this sort, and the easy credulity which will swallow such traveller's tales, are unwholesome symptoms of the public love of the literature of action.

Fortunately, there is a reverse to the medal. We have had the signal good fortune to see, at this opportune hour, the development of perhaps the most purely patriotic talent that ever flourished in England. The most powerful and distinguished British author, under thirty-five years of age, is unquestionably Mr. Rudyard Kipling, and his whole literary career is one unflagging appeal to the fighting instincts of the race. We see nothing in the general trend of his genius, if we do not see that it makes directly for the preparedness of the English people in an eventual crisis. Mr. Kipling is not correctly styled a Jingo or a Chauvinist. He does not provoke war, or underestimate its afflictions, but he preaches forever in our ears "Be ready!" He marshals us by land and sea, he brings outlying kinsfolk up into line with us, he questions us incessantly as to the state of our sinews and of our guns. The influence of this one young civilian, without external prestige of any kind to help him, has been simply prodigious. His breath has stirred the veins, not of hundreds of men, nor of thousands, but of a cluster of nations.

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The peculiar gravity of Mr. Kipling's appeal to the English speaking races—for even America is surely not unaffected by his voice—has been met in Great Britain by the inevitable chorus of imitators. Every song writer, every leader writer, every story teller has a little touch of his magic to-day, a little strain of what the Germans might call *Kiplingismus*. His appearance in our literature at this crisis, with its sweeping away of the graceful, but slightly effeminate, cult of beauty and harmony which preceded it, is one of those extraordinary coincidences which occur in the history of the mind. For who shall say whether athleticism created Mr. Kipling, or whether Mr. Kipling has encouraged athleticism? The two grow side by side, and to what harvest who can tell?

We have said that with the growth of a wholesome literary patriotism an unhealthy love of horrors for their own sakes has grown up among us. But happily the antidote grows side by side with the poison; and the very month which disposed of M. Grien has seen the publication of one of the sanest and the most invigorating books of adventure which the English language contains. It is not by a mere accident that Sir George Robertson's "Chitral; The Story of a Minor Siege," appears at the very moment when the national tension is at its highest. We find that Englishmen are face to face with a problem of the greatest delicacy and gravity. Is it not natural that we should look about us to see how Englishmen may be expected to behave at crises of the most violent kind? Is it not salutary that we should ask how the young men trained upon football and cricket, who have tried to shoot and climb and ride, can use their physical fitness when they are called to act in the face of destiny? With a peculiar poignancy, therefore, as a man watching the starry heavens reflected in a little pool, we look to a narrative like that of Sir George Robertson to discover what qualities we may expect to see widely developed in facing a solemn national decision.

Four years ago very few people in England or America knew where Chitral was. It is a little fortified town planted on a steep river bank in the centre of Asia. The vast snow peaks of the Hindu-Kush divide it, like a rampart, from the most mysterious country in the world, Kafiristan. Round this fort, in its grim, cold isolation, lies the principality of Chitral, with an area about equal to that of Wales. Cabul is so near to it on the west that it has been naturally to the terrible Amir of Afghanistan, and not to the

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vague and distant government of India, that its hill tribes looked. If you examine a map of six or seven years ago, you find Chitral in a white no-man's land, far to north and west of the red frontier of British supremacy. It was ruled in those days by a family of treacherous princes, each of whom successively waded to the throne through the blood of his uncles and his brothers.

The Government of India, in its infinite wisdom, determined that the moment had come to interfere with the little tyrants who stabbed and squabbled among the picturesque population above the glacier-fed torrents of Chitral. In January, 1893, it sent Dr. (now Sir) George Robertson on a mission thither from his residency in Gilgit. It was a highly adventurous expedition, for the tribes were violently prejudiced against Europeans, and their unbridled treachery was a notorious matter. He took with him three English officers and a little escort of 50 Sikh soldiers. They arrived at Chitral to find the hereditary prince, or Mehtar, palpitating with fear, not of the English, but of his own family. Presently, after the English mission had left Chitral about a year, this Mehtar had the usual accident out hunting; he was shot dead in the back by his own half brother. This sinister news reached Gilgit on January 6, 1895.

The Chitralis had by this time come to recognize the might of the Government of India, and they were very anxious to have their new ruler's little escapade commuted. But the position was a very serious one, and extremely difficult to understand at a distance. Dr. Robertson, therefore, was ordered once more to go over to Chitral, and examine its perilous politics on the spot. The journey, made in conditions of Arctic cold through some of the roughest country in the world, was not at first embarrassed by any unfriendliness of the natives; but Dr. Robertson was presently galvanized by news that Umra Khan, a very formidable mountain character, had proclaimed a holy war, was marching into Chitral territory with from 3,000 to 4,000 men, and had called upon the new Mehtar to join him. Moreover, a dangerous pretendant, Sher Afzul, this Mehtar's uncle, was also moving upon Chitral with unknown designs. Dr. Robertson received, meanwhile, orders from India to hold Chitral and drive Umra Khan out of its territories.

Here, in a moment, full and almost imperial responsibility fell upon Dr. Robertson. The first thing he did was to depose the Mehtar who had murdered his predecessor, and who was hated in

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Chitral, and to recognize as prince a still younger brother, Shuja-ul-Mulk, a nice little boy, henceforth familiarly known as "Sugar-and-Milk." This act was decided upon during the race for the fort, which ended on the 31st of January, 1895, by Robertson and his soldiers dashing into Chitral ahead of all their competitors. For a month they held the enemy at large, waiting for reinforcements which never came, but contriving to keep up communication with India. On the 1st of March the last letter from Chitral was passed along the river to Mastuj, and then Robertson and his gallant company, a mere speck in that huge wilderness of rocks and snows, faded out of sight for fifty days, while the eyes of all England hung, distracted with anxiety, on the shrouded glens of the Hindu-Kush.

This is the necessary prelude to Sir George Robertson's story, which I am not proposing to re-tell tamely here. I am addressing American readers, who, of course, take a very limited interest in our "little wars." With a whole new system of savage archipelagoes of their own, the American nation will soon find themselves provided with quite as many little wars as they need for their private entertainment. But Sir George Robertson's book does not address Englishmen alone. It is a very attractive piece of literature, excellently composed, excellently narrated, with touches of beauty here and there which we might expect a soldier to disdain. It is as a specimen of our new literature of action, to which we may be proud to point our friendliest neighbors, that I am here recommending Sir George Robertson's book. Read "Chitral; The Story of a Minor Siege," I say to those who, being not of us, are yet indulgent to us, for you will never see the virtues of our nation reflected in a more agreeable mirror.

In the first place, to praise a man's modesty is to affront that very merit in him, and yet it is impossible to touch this book, and to escape from the sense of the author's self-abnegation. He has words of praise, congratulation, gratitude, for everybody, for the officers who fought with him, for those who struggled to reach him in vain, for those who, after (it must be said) an unconscionable delay, managed to relieve him at last. All their deeds are glorified, all their names made prominent; but, of himself, scarcely a word. If this were all the history we possessed and if we could not read between the lines, we should think that Robertson played a very third-rate part in this spirited drama. But Lord Roberts knows,

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and the Government of India knows, and all who fought beside him and for him know, that Sir George Robertson was the central force of the whole incident, that it was his gallantry and diplomacy and resource that pulled us safely out of that very tight place.

The man of ability who is not eaten up with self-complacency has eyes to observe his surroundings. While the little English garrison were shut up in Chitral, with the murderous hill tribes humming outside, their spirits rose and fell. It was part of the commander's task to watch these fluctuations and to guard against them. Of each of the young officers who were with him, he has a genial portrait. Here is a sketch of one of them:

"He was a melodious person of gregarious instincts. Looking back, one reflects how churlishly his songs and shuffling accompaniments were sometimes received, and how badly we should have missed them. I think that Harley, even after an all-night's watch, always lay down to sleep with reluctance, and would never have rested at all had there been anyone equally companionable to talk to. His unquenchable good spirits stimulated us greatly without our knowing it."

How characteristic this is! and not less so the little touches about dogs which come here and there. "On the Gilgit frontier a subaltern's equipment can hardly be considered complete without a banjo and a fox terrier." The banjo Mr. Kipling has celebrated in one of the most thrilling of his lyrics; the fox terrier figures in every frontier battle. The wounding of "Edwardes' nice little dog" is most gravely recorded among the incidents of the defence of Reshun. It is connected with the tender sentiment about home, and all things home-like, which the smart young soldiers carry with them in every contingency. I must quote from Sir George Robertson again a passage of rare beauty; the moment described is that at which their hopes seemed at their lowest, and nothing seemed before the little English garrison but cruel and humiliating death. The Commander stood on the ramparts, and he looked out over the closely beleaguering forces of the enemy:

"Any attempt on us would have been out of the question on this date, so light was the sky with its young crescent moon. To the north, that wonderful mass of snow mountain looked as lovely and as unsympathetic as ever. Its beauty always made me melancholy, nor could it be looked upon without a long sigh and sad thoughts of those far away at home, who were, we knew, suffering much more for us than we suffered ourselves. We could only repay their anxious thoughts with others as tender. If we could but have sent them a single line of love, a weight would have been lifted from our hearts."

The siege of Chitral was a return to a primitive condition of

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things. The methods of the besiegers and of the besieged were mediæval, and the old value of individual bravery, each man in some degree cast upon his own resources, was strangely revived. It might have been reasonably supposed that this would prove a great disadvantage to English officers, trained to depend on all the mechanical aids of our elaborate civilization. It was a disadvantage, of course; it added to the difficulties, but they humorously accepted and surmounted it. The essential interest of this book, apart, of course, from its merits as a narrative superlatively told, lies in the evidence it supplies of the rapidity with which the well-bred and disciplined young Anglo-Saxon accepts responsibility and turns it to good account. Mr. Rudyard Kipling has a story of the veteran writer who meets in London a group of polite, well-groomed, modest youths, who turn out to have been actually doing, in the wild places of the world, the work that he has been dreaming about. It is impossible to read Sir George Robertson's "Chitral" and not see that these are those very youths in action. These British officers of his, with their irresistible pluck and energy merely dormant, ready to break out into a blaze at a moment's notice, are what Mr. Kipling gazes at fondly, and murmurs "Mine own people!"

If this is the temper and these the abilities which our recent national predilection for the literature of action fosters, we need hardly regret that "bower of roses in Bendameer's stream" in which the Middle Victorian poets lay at full length, discussing the subtleties of the passion of love. If it were going to last forever, if there were to be no reaction from this materialism, I should deeply deplore it. A man should not, and a nation should not, spend its whole life with a musket in its hand, behind a barricade. But there are times and seasons in the life of a nation, as in the life of a man, when self-respect and all the dearest emotions of the heart compel the strictest attention to practical defence. The American people, with whose thoughts and instincts we are more closely in sympathy than with those of any other race, have lately proved this necessity. They have passed through a crisis which many of their most contemplative spirits regretted, but which was inevitable. Their honor, their place in civilization, called imperiously upon them for an action which they deplored, but which they did not dream of evading.

We, too, in England to-day hear something very like the same

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call, but pronounced with even intenser gravity. All I have attempted to do here is to sketch very roughly the history and character of the literature which has prepared us to receive the order with serenity and firmness. We, in our beleaguered island, hear, or believe we hear, the muffled sound of the pick-axe mining our prosperity and our rights. An hysterical excitement would be out of place, and there is no sign among us of its being felt. We believe, humbly, gravely, that we are ready. And there is evidence in our literature of the last twelve years to show that we have been preparing ourselves for a great international struggle by the games we have loved best to play, the stories which have entertained us most, and the narratives of historical adventures which we have been most eager to read.

EDMUND GOSSE.

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THE UNITED STATES AT THE PARIS EXPOSITION IN 1900.

BY FERDINAND W. PECK, COMMISSIONER-GENERAL FOR THE UNITED STATES TO THE PARIS EXPOSITION OF 1900.

BY their efforts to surpass each other in the magnificence of their displays, foreign countries will obtain for the French the realization of their prophecy that the Paris Exposition of 1900 will be the climax of exposition achievements.

The nineteenth century has been notable for its unparalleled progress, and to secure the greatest credit for assisting in this upward sweep, and to obtain the emoluments which will come from a fine display, more than fifty nations will be present at the exposition, arrayed in the best they can produce. They will not spare money to secure the best effects, and will follow the French in adopting "quality, not quantity," as the motto by which they will select their exhibits. It is therefore assured that the best crystallized ideals of all nations will be displayed in the exhibits and their installation, and that the exposition in every particular will be of unsurpassed grandeur and perfection.

The spot chosen for the exposition is in the heart of Paris, on the site already made historical by four international expositions. The beautiful Seine winds its way through it, and magnificent boulevards with stately edifices and monuments surround and traverse it. The entire city of Paris is to be greatly beautified by additional parks and gardens, so that in 1900 it will have still a greater charm than now, and serve as an appropriate setting to the brilliant exposition.

The passing of the old century and the greeting of the new will take to Paris the people of leisure and the pleasure seekers of every clime. The wealthy, the purchasing agents, the scientists

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and experts, representing at least five hundred million people, will be present. This large attendance and the superb exhibits which our chief commercial competitors will present at the exposition, render it obligatory on the United States to use every endeavor to make a display of every natural and manufactured product that will equal that from any other land. It will be the opportunity of the age to show the peoples of every country, through their thousands of representatives present, the actual superiority of American goods, of which even Americans do not know, and of which foreigners have not learned, and cannot learn, unless it is demonstrated to them by placing the goods before their eyes in competition with those of other countries.

Whatever is done to extend American trade is certain to exert a beneficial influence on the general prosperity of the country. Prosaic as trade may be, it is to-day the keynote of international politics. The armies and navies of the world exist but for the purpose of aiding the merchants and manufacturers in their struggle for this extension. Behind the pioneers who blazon their way through hitherto unconquered territory, go the merchants who buy and sell. The victory of Dewey at Manila is recognized as the presage of trade with the Philippines, which will mean dollars and cents in the pockets of the American people. European nations are now armed to the teeth facing each other in Asia, merely to seize trade advantages. The markets of the world are the prizes for which they are constantly contending.

The United States, however, is not compelled to resort to force to obtain trade extensions; it has the advantage of being able to meet and vanquish its competitors in their own home markets, while in many cases they are forced to find colonies whose markets they can only hold by establishing a monopoly. This country is the leading nation of the world in industry, but it has not won for itself the place it should hold in commerce. The eminent statistician, Mulhall, says:

"The United States leads in agriculture, with products greater than Russia and the United Kingdom combined; in manufactures with a product greater than the aggregate output of the factories of the United Kingdom, France, Austria-Hungary and Belgium combined; in machinery with a steam power greater than the United Kingdom, Austria-Hungary and Italy combined; in mining, with a product greater than the United Kingdom and France combined (or nearly one-third that of the entire world); in railway transportation, with a mileage forty per cent. greater than that of all

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Europe; in forestry, with products greater than that of all Europe and nearly one-half of the total products of the world; in fisheries, with a greater product than the United Kingdom, Russia and Germany combined."

From the same authority we learn that the United States is $20,000,000,000 richer than Great Britain; yet that kingdom, with one-thirtieth the area and a little more than one-half the population of the United States, enjoys double our foreign trade. Even Germany, which is scarcely to be compared with the United States in any branch of industry, in 1895 had a greater foreign trade. These facts are positively discreditable to the United States and challenge the attention of our statesmen. Commerce is the one thing that has made Great Britain great, and it is the important factor of public wealth.

The growth of the United States during recent years has clearly proven that its commerce is capable of material increase. The exports *per capita* have grown from $11.37 in 1895 to $12.11 in 1896, and $14.17 in 1897. The exports of manufactured products have been quite as striking in their growth. In proportion to the percentage of total exports, the exports of manufactures have been 15.61 in 1892, 19.02 in 1893, 21.14 in 1894, 23.14 in 1895, 26.48 in 1896 and 26.87 in 1897.

These figures are gratifying, yet they by no means represent the full possibilities of American enterprise. In the exports of the other great commercial nations finished products represent a far greater proportion as compared with raw materials, and the United States should be able to keep pace with them without any diminution in agricultural exports. While the United States produces fifty per cent. more hardware than Great Britain, we export less than one-third as much. Instances of the same sort might be multiplied.

The United States has secured only one-seventh of the exports that go to the countries of Australasia and Asia, with a population of 852,000,000—a little more than one-half of the population of the world—while this country should have one-third of the commerce that goes to this immense field. This is but one illustration to show our trade relations to the rest of the world.

The extensive foreign trade it does enjoy has come almost wholly unsolicited, the producers of the United States having been occupied in filling the wants of home demands. But its production is beginning to vastly exceed its consumption, and it

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must go abroad for commerce and take advantage of every agency to secure it.

Mr. Worthington C. Ford, Chief of the Bureau of Statistics in the Treasury Department, has compiled tables which prove conclusively that the international expositions in which the United States has been interested have had an important and direct effect in increasing its exports. Prior to 1876, the year of the Centennial Exposition, the balance of trade had been against the United States to the amount of $2,236,406,610. In the preceding eighty-seven years the United States witnessed but sixteen annual balances of trade in its favor. After the exposition the tide turned in favor of this country, and in the twenty-three years since then it has witnessed but three occasions when the annual balance of trade has been against it. Prior to 1876 the exports amounted to $12,309,653,384, an average of about $141,000,000 per annum, while the imports amounted to $14,546,994,000, an average of about $167,000,000 per annum. Since 1876 the exports have amounted to $18,662,344,445, an average of about $811,000,000 per annum, and the imports amounted to $15,570,903,493, an average of about $677,000,000 per annum. It will be seen that in this period our exports have been more than fifty per cent. in excess of the entire eighty-seven years before the exposition, and that the average annual exportation has been nearly six times the annual exportation prior to that time.

Not only was the continuance of this increase aided by the Columbian Exposition at Chicago in 1893, but American participation at the Paris Expositions of 1878 and 1889 was followed by a material increase of exports.

It is a well-known fact that more American firms have been able to form connections abroad and extend their foreign trade since 1893 than ever before, and to the Columbian Exposition might easily be traced the beginning of negotiations which have led to the closing of many recent large orders for American goods.

The Consular Reports compiled by Frederick B. Emory, Director of the Bureau of American Commerce, contain many letters that are almost pathetic in their appeals to American merchants to take advantage of the rich trade opportunities which they permit to pass neglected, and which other more enterprising nations have improved.

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Carl Bailey Hurst, United States Consul-General at Vienna, in a letter to the State Department says:

"Everywhere in Europe there is a constantly increasing demand for what are termed "American Goods;" that is, goods made in the United States. In the first place, everything manufactured in the United States is so neatly and trimly made that it at once catches the eye of a foreigner. In the next place the American article is honestly made, and therefore it can stand the closest scrutiny and the test of use.

"It is noticeable that, if Europeans come into possession of an article of American manufacture, they are always proud of it and quick to exhibit it on all occasions, and they are not slow to let the fact be known that it was made in America. They acknowledge the superiority of the American goods every time."

In another report he shows how American glass wins recognition even in Austria, a country noted for its glassware.

"It is frankly admitted here that the American cut-glass is finer, and more elegantly cut than any manufactured on the continent of Europe, or even in England. This matter, it is said, is being taken seriously by the manufacturers here, who are already beginning to look elsewhere for a market for their goods. The same is true of plate glass, looking-glass plates etc. Heretofore manufacturers and exporters in Central Europe have done a large and lucrative business in this line with the United States, that country affording them their best market, but many of the factories are now closed, or are running on half or quarter time ,and the plants can be bought for fifty per cent. of the amount they would have brought six or seven years ago."

Reports of a similar nature come from France. Walter P. Griffin, Commercial Agent at Limoges, says that there is a great demand for American agricultural machinery of every kind, as well as for sewing machines. He further says:

"There is probably no tool employed by the American artisans, carpenters, masons, plumbers, lock-smiths, woodworkers, etc., that could not find a ready and profitable sale in France. As these goods are less bulky than, and different in shape from, the French ones, they must be shown, and their excellence proven to the workmen before their superiority is realized.

"There is also an undoubted demand for good cooking stoves and ranges."

Continuing, Mr. Griffin tells of many other American manufactured articles which the French would buy, if the opportunity were offered them.

Frank H. Mason, United States Consul-General at Frankfort, tells of the demand for American leather goods, particularly shoes. He writes:

"The statement is here reiterated, upon the judgment of competent experts, that in every important German city, or large town, there could be established, with practical certainty of success, an American shoe-store. American shoes are offered here as a costly luxury, while it is a fact that

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good factory-made boots and shoes are cheaper, quality considered, in the United States, than anywhere else in the world. American lumber and furniture is reported as in good demand, and there should be in Germany a far more extensive market for American mechanics' tools that has yet been developed."

The same story is told everywhere of the demand for American-made goods, but these goods must be shown, and their points of excellence made evident, in order to awaken the natives to a proper appreciation of their advantages. The Consuls, almost without exception, urge that commercial travellers be sent abroad and samples exhibited. It would be futile to expect the natives to buy unless this is done.

"If our manufacturers and business men are desirous of extending their foreign trade, it is indispensable that they deal with it in a proper way," writes Herbert de Castro, United States Consul-General at Rome. "They must do preliminary or missionary work. The merchants and importers of this country will not come to us unless we go to them first, and educate them to the use of our products. Some of our intelligent commercial travelers, supplied with adequate samples, would accomplish more in one month than letters and circulars could in years. The method may be somewhat expensive in the beginning, but the final results could not fail to be gratifying.

"Should our business men pay as much attention to this part of Europe as they have, for instance, to Mexico and some of the South American countries, they would soon reap the benefit of their enterprise. By following in the footsteps of the European exporters, they would soon learn to compete successfully with them. When American products are once introduced on these markets, and are well known and appreciated, they will not fail to command the preference on account of their superiority."

Such methods as are urged by the Consuls are expensive, but the Paris Exposition will offer a cheaper way to achieve the same results, as American goods will be placed side by side with those of European manufacture, for comparison. It will thus be unnecessary to establish warehouses, or salesrooms so extensively in the different countries, and this enormous expense will be entirely avoided. Although American goods will be exhibited only in Paris, and not in the many important cities of the various countries, the thousands of visitors and experts present from those countries will, upon their return home, disseminate the information there obtained of the superiority of our productions. The quality will thus receive the greatest publicity among the people of the different nations in the shortest possible space of time, and at the least possible expense. Besides the millions of Frenchmen, it is estimated that over two million foreigners will visit the exposition, and if the United States is well represented

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in the exhibits, this army of visitors will be an army of commercial travellers who will go forth into every land and, in the language of that land, praise American goods. The advantages to accrue will be, not to the individual exhibitors only; other Americans engaged in the same industry will be benefited. It is not one particular make of shoes, or one particular manufacturer's furniture, that is demanded, but American-made shoes, and American-made furniture. It is the purpose of the Commissioner-General so to install this country's display that the benefits will accrue to the whole country.

While the prime motive of America's display will be the extension and expansion of her trade with foreign countries—and to accomplish that a creditable exhibit is necessary—it must be borne in mind that other nations are working to the same end, and will likewise use every effort to increase their individual trade, even at the expense of other countries, including the United States. They, too, will make magnificent displays, and to counteract their influence it is necessary that the United States should get together an exhibit that will truly represent the progress of this country, and the excellence of its products, as compared with the exhibits of other countries which will be placed side by side with them.

In the manufacture of agricultural implements alone, there is invested in the United States over $500,000,000, and this industry gives employment to over 500,000 of America's best mechanics and brightest laboring men. Other branches of industry have proportionate capital invested, and employ a proportionate number of the men who form the sinew of this country as a nation. A loss of any of the foreign trade would mean a loss to this invested capital; it would throw many of these mechanics and workmen out of employment, and inflict a corresponding injury upon the prosperity of the country.

The President, in his recent annual message to Congress, with reference to the importance of the participation of the United States in the Paris Exposition of 1900, says:

"Where our artisans have the admitted capacity to excel, where our inventive genius has initiated many of the grandest discoveries of these later days of the century, and where the native resources of our land are as limitless as they are valuable to supply the world's needs, it is our province, as it should be our earnest care, to lead in the march of human progress and not rest content with any secondary place. Moreover, if this be due to our-

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selves, it is no less due to the great French nation, whose guests we become, and which has in so many ways testified its wishes and hope that our participation shall befit the place the two peoples have won in the field of universal development."

The Paris Exposition of 1900 will occupy only about half as much ground as the Columbian Exposition at Chicago in 1893. France will occupy 55 per cent. of the covered area, and the United States will have no more than its proportion of the remaining 45 per cent. At Chicago the United States had 45 per cent. of the covered space in grounds extending over 720 acres.

Space equal to that obtained by any other country has been allotted to the United States in each of the twenty pavilions which will form the exposition proper; a site for a national building and areas for other buildings have also been granted. An opportunity will therefore be offered to show the diversity of the products of this country, and from the anxiety shown by manufacturers and producers to exhibit, it must be inferred that the character of the exhibits in every department will be inferior to none. The difficult problem will be to install them so as to produce the best effect, and obtain the best results.

Estimating his needs by what he had at the World's Columbian Exposition, nearly every manufacturer has asked for a reservation of space, which, if granted, would prevent his competitors from exhibiting. It is desired, however, that the greatest possible number of producers and manufacturers show their goods, so that the benefit from exhibiting may be most generally distributed, and that the United States may carry away the largest number of awards; by which European countries judge largely of the qualities of a nation's products.

That this may be done, it may be necessary for exhibitors to unite in collective exhibits which will bear a national character, preserving, at the same time, the individuality of the exhibitors. The collective national exhibits made by foreign countries at Chicago in 1893 were the most effective, as is well known, and as their Commissioners declare in their reports on the exposition.

The various national manufacturing associations realize the advantages to the whole trade and the country, which would follow such a policy, and have expressed their approval and desire to have it carried out as regards their respective industries.

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The expense to the government of such exhibits will, however, be much greater than if everything were left to the judgment of individuals; the cost of the plans and installations must be more extensively borne, and additional experts must be employed. It is on account of this, the expense necessary to erect the national building, that the present appropriation of $650,000 is inadequate, and that the expenditure of at least a million dollars will be necessary to enable the United States to make a display that will be in keeping with its rank as a commercial nation. A million dollars will not be an extravagant sum; it is the amount which Special Commissioner Handy deemed necessary, and is much less than the amount which other nations have arranged to expend in exploiting their industries at the exposition.

The classification of the exposition contains eighteen groups, which the French officials have united into eleven departments, so-called, a director being placed in charge of each to superintend personally the installation of exhibits. The Commissioner-General for the United States has selected a like number of chiefs who will act in similar capacity for this country. The men chosen are experts of national reputation in their respective lines; men whose names assure success in whatever they undertake.

Unlike past expositions, the coming one will have the raw material, the process of manufacture, and the finished products exhibited side by side, thereby giving to the different sections an added attractiveness by showing machinery in motion.

In every building and group it is expected that the United States will have some new invention or device so especially attractive that the American sections will prove the *"clou"* of the exposition, to provide which the officials are taxing themselves; and also be a revelation even to Americans.

The National Building will be an oasis where Americans may find Americans, and rest from the weariness of the sight of strangers.

The unveiling of the Lafayette monument, on July 4, will make United States Day the most conspicuously resplendent of national days.

The outlook for the United States at the exposition is excellent. The co-operation of manufacturers and producers, which is already assured, and the assistance of Congress through an addi-

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tional appropriation, will enable us to make an exhibit in all lines that will be not only creditable, but conducive to still further prosperity.

The eyes of the world are now upon America, marvelling at its recent prowess upon the sea, and wondering what this Child of the West will do next. While this is so, every effort should be made to prove that, in the arts of peace, America is no less supreme than in the science of war. But this can no more be done without the expenditure of money than can victories of war be won. The increase of the present appropriation to one-half the sum that would be necessary to build one second-rate battleship, would be sufficient to assure a victory that would prove of vastly more benefit to the people of the United States than did the recent success of their arms.

FERDINAND W. PECK.

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STUDIES IN CHEERFULNESS—II.

BY MAX O'RELL.

THINGS are going to change. The time is soon coming, coming indeed at giant's strides, when babies will cease to be born with silver spoons in their mouths. No man need be afraid to be called a Utopian, a Socialist, or an Anarchist, who says that the time is coming when the legislatures of all the civilized nations in the world will be busy settling social questions; that the time is coming when every man will have to work, and when no one will be allowed to enjoy the privileges of wealth without returning some equivalent for it to the community.

That will not be the reign of Socialism, much less of Anarchism, for both systems are utterly and wretchedly wrong in that they suppress competition. Society will never be so organized that the lazy, the drunkard, the improvident, the dissolute, will have as much chance of success in life as the intelligent, the industrious, the frugal, the saving, and the generally well-behaved. No, no; the fittest will always survive, but everyone shall be offered a chance. All I say is this: A society in which the workers live in poverty, often in a state bordering on starvation, while the idlers live in unbridled luxury, I say that society is wrongly organized. All my sympathies are for those who do the work. The men who build our houses, often at the risk of their lives; the men who make the railways; the men who bury themselves in the earth, and, lying on their backs for hours in the mines, procure coal for our comfort; those men draw my sympathies much more than those who yawn in their clubs all day long, attend races, and remember their days by their utter uselessness only.

I believe that people will not be really cheerful, contented and happy so long as they know that thousands and thousands of their fellow-creatures are wringing their hands in despair.

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The really cheerful and happy people in the world are those who are satisfied to be little, to do little and to know little. The only really rich people are those who are rich, not in what they actually possess, but in what they know how to do without. If you doubt it, go to a theatre, and look at the bored faces that occupy the boxes and the orchestra stalls, and at the cheerful, eager, happy ones that occupy the upper circle and the gallery. Look at the occupants of those gorgeous carriages who "do" Rotten Row or the Avenue des Acacias as in duty bound, and the happy, cheerful, orderly crowds who enjoy a Sunday afternoon in the Versailles Gardens.

I feel much more happy, comfortable and cheerful after my good, simple, every-day dinner, quietly enjoyed with my family, with my dog begging by my side, my cat perched on the top of an armchair blinking and waiting for a chance to be noticed, and my parrot suggesting a "thank you, so good for Polly"—yes, yes, much more happy than I do after a banquet or a huge *table d'hôte* dinner.

I remember one evening, at a dinner in America, I was sitting at table by the side of a minister of the Gospel. The *menu* was in length what an American *menu* is on such occasions. The swallowing and digesting of it explains the miracle of the loaves and fishes, according to a well-known negro who had been told that fifteen thousand loaves and fishes had been eaten by five people: "De miracle was dey didn't bust." In the midst of that *menu*, just before the roast viands and the famous canvas-back duck, was written "*Rum Sherbet*," which most of us had with a cigarette and a ten minutes' rest. Now, in France, we have no sherbet at such a time; but I don't say this to suggest that the Americans are wrong. Not at all; *chacum à son gôut*. Full of my stupid French notions and prejudices, however, I could not help remarking to my neighbor: "How strange! an alcoholic water ice between meat dishes! What is the object?" "Well," replied the minister of the Gospel, "it cools you and it enables you to go on." I sat aghast, and said to him: "I see, it enables you to go on, and," I added, "perhaps, in the street next to this, there is some poor desolate mother with only milkless breasts to offer to a starving babe!" "Ah," he quickly retorted, "if we knew where she was, we should go to her and help her." "But," I said, "if careful enquiries were made, we should know where

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she is, for she is close by and, alas, everywhere." There is enough good food wasted at the public dinners and hotel *tables d'hôte* of every large American city to feed all the hungry. Well, all I say is this: When, in thirty or forty years, we tell our grand or great-grandchildren that, at the end of the nineteenth century we took a sherbet "in order to cool ourselves so as to be able to go on," when, a few yards off, the most abject poverty was rampant, they will not believe us; at any rate, they will not believe that we were Christians. But, by that time, maybe, they will have started a new religion: the religion of Christ.

* * *

One of the causes of French cheerfulness is to be found in the settling of the land question by the French Revolution, not in the way I should like it to be, for I hold that the Earth was meant for the human race, and not for a few privileged ones, even if these few were many. Yet, for a hundred years the land in France has been marketable, with the result that we have a contented peasantry, who own their bit of land, live in it and on it, and work it themselves. If the land is not to be nationalized, at any rate it should not be meant to keep three kinds of people, landlords who do nothing for it, tenants who improve it for landlords, and laborers who starve on it. However, as it is, we have a landed proprietary, happy and contented.

Before the French Revolution the land belonged, as it does in England now, to a few dukes, marquises and earls, who, to possess it, only took the trouble to be born. Their ancestors had been given that land as a reward, some for great services rendered to King and country, others for some bellicose exploits that would probably be rewarded to-day with twenty years of penal servitude. But those worthy ancestors of our dukes, marquises and earls were not given that land for nothing; they had some duties to perform in return. In time of war they had to levy troops at their own expense for the defence of the land against a foreign invader. That was the price for their tenure of the land. Their descendants went on keeping the land, but ceased to pay for its defence, and the people found that they had to do this themselves at the price of their own starvation. The difference between the merits of those ancestors and of their descendants is well illustrated by an interesting and amusing incident in Voltaire's life.

Voltaire had taken a box at the Opera and was installed in it

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with ladies, when the Duke of Lauzun, one of the worst libertines in the time of Louis XV., arrived and asked for a box. He was respectfully informed that all the boxes were taken. "That may be," he said, "but I see Voltaire in one, turn him out." In those times those things could happen, and Voltaire had to be turned out. No doubt he preferred that to being turned in-side the Bastille. He brought an action against the duke to recover the price he had paid for the box. "What!" exclaimed the advocate for the duke, "is it M. de Voltaire who dares to plead against the Duke of Lauzun, whose great-grandfather was the first to get on the walls of La Rochelle against the Protestants, whose grandfather took twelve cannons from the Dutch at Utrecht, whose father captured two standards from the English at Fontenoy, who——" "Oh, but excuse me," interrupted Voltaire in the court, "I am not pleading against the Duke of Lauzun who was first on the walls of La Rochelle, nor against the duke who took twelve cannons from the Dutch at Utrecht, nor against the duke who captured two standards from the English at Fontency; I am pleading against the Duke of Lauzun who never captured anything in his life except my box at the Opera." It seems to me that this is the whole thing in a nutshell. In spite of warnings coming from all sides, the aristocracy would not see what was going on around them and what was slowly, but surely, coming. The great preacher Massillon, ninety years before the Revolution, predicted the downfall of the nobles, but they took no heed. Voltaire and Jean Jacques Rousseau, seventy years later, wrote books. The latter wrote one that was called "*The Social Contract.*" The aristocracy laughed at it and called it a mere theory; but, as Carlyle once said in his own brutal way: "Their skins went to bind the second edition of that book," their land was put up to auction and the people acquired it. The aristocracy ceased to be a power in the country.

Before the Revolution, the French peasant was a sort of wild animal, dark, livid, burnt with the sun, bound to the soil, which he dug and stirred with an unflagging patience. At night he retired to his den, and fed on black bread, water and roots. No wonder that Mme. de Sévigné was able to exclaim: "These people save other men the trouble of sowing, digging and reaping, and deserve not to lack of that bread which they have grown." To-day the French peasant lives in his own cottage and cultivates

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his own field. His ideal of life is the independence which is the fruit of labor and economy. He is satisfied with very little in the days of his strength, because the prospect of eating his own bread near the door of his own cottage when his strength is gone makes him happy. So he works steadily, with a cheerful wife who is a true helpmate. She knows that her husband is not a gentleman, and she does not try to play the lady. She is not "at home" once a week, and does not indulge in the high handshake. She gets up at five in the morning to feed the pigs herself, and that is why the pigs in France look cheerful, too.

* * *

France has been fortunate in possessing a writer, the greatest and most influential French prose writer of the century, Ernest Renan, who made himself the apostle of the Gospel of Cheerfulness.

Ernest Renan has often been compared to Voltaire. Like him, he was trained under ecclesiastical influence and intended for the vocation of a priest. Like him, he was vaccinated, but, somehow, it did not take. Like Voltaire, he wrote the most easy, clear, limpid, logic prose, but there the resemblance ends. Voltaire enlightened the world by his profound learning, and entertained it by his marvellous cutting wit; but Renan improved it. The sneers and sarcasms of Voltaire often excited hatred; the kind and healthy writings of Renan excited love, and made people more happy and cheerful. Both are still called atheists by the bigots, as they were in their own times, but neither of them was. It was Voltaire who uttered the famous saying that "if God did not already exist, we should have to invent Him." As for Ernest Renan, certainly his God is not the small, petty, revengeful God that some narrow-minded pigmies have created in their own image, that God who spends His time in counting the hairs on the heads of the human race, but a great, good, merciful God, the God who commands us to love one another, the God of love, mercy and charity. Ernest Renan loved humanity with all its weaknesses, even *because* of its weaknesses. He held that people are often lovable on account of a hundred little failings and weaknesses. He sometimes pitied the world, but never scolded it. He was a great, gentle, lofty spirit, the greatest thinker and scholar of his time, who thought like a man, felt like a woman, sometimes acted like a child, and always wrote like an angel. Through his

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genius the world has been made better and happier. He loved man, and improved the feelings of man toward man. He taught the world to be happy by tolerance and cheerful by moderation.

Ernest Renan had no patience with the idea, prevalent among self-made men, that their accumulation of wealth confers a benefit upon the community. Being convinced that money gained must be money lost by some one else, he despised greed. A like idea of political economy is very old-fashioned, but it is still prevalent among the inhabitants of Brittany, the birthplace of Renan, and, who knows ? human opinion will perhaps come back to it one day. In the meantime, Renan claims immunity for the Bretons, those survivors of an old world, in which this harmless error has kept alive the tradition of self-sacrifice, a race perfectly unfit for commerce, and whom we find in all the professions, doctors, sailors, soldiers, writers, a happy and cheerful race.

Renan dreaded for men the idea of a luxurious life. The cost of enjoyment in age is in abstemiousness in youth. Mr. John Ruskin says that it was the paucity of toys which made him enjoy pleasures late in life. His palate is now unimpaired because, as a child, he never had more than a taste of sweets. "I am cheerful," once wrote Renan, "because, having had few amusements when young, I have kept my illusions in all their freshness."

Cheerfulness depends upon illusions, upon not too rigorously determining to see all truths in life. Even superstition feeds cheerfulness, and should not be shunned like fanaticism, which kills it. Cheerfulness depends upon having beliefs, belief in friendship, belief in all that helps to make living beautiful, and the saddest experience in life is to be deceived and thereby lose a belief or an illusion. Children are happy and cheerful because they are full of illusions, of beliefs, and of confidence.

When we are told, in the Gospel of St. Matthew, that "except we become as little children, we shall not enter into the kingdom of Heaven," I am disposed to thus interpret the verse: "Except we become as little children, confident, believing and unconscious of malice, we shall not be happy in this world." When I read: "Happy are the poor in spirit, because they shall enter into the kingdom of Heaven," I feel disposed to say: "Happy are those who are determined not to know all the truths in life, because they shall be happy in this world."

Ernest Renan would say to you: "Make money that you may

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possess it; but do not aim at making too much, for fear it should possess you. Money cannot buy everything. It cannot buy health, life, or love. If you were a hundred times richer than you are, you could not multiply your wants and pleasures by one hundred. You could not eat or drink a hundred times more than you do now." There is truth and philosophy in that remark of the English drunkard staggering in the gutter: "If I was the blooming Dook of Westminster, I could—not—be—more—drunk—than—I—am." Renan would say to you, Don't take life too seriously, when you are old, you will remember life with pleasure only by the hundreds of little follies you have indulged in, by the hundreds of innocent little temptations you have succumbed to. Avoid perfect people and angels of all sorts—this side of the grave. Man will never be perfect; love him with all his imperfections. Never resist impulses of generosity, they will make you cheerful, nay, healthy. They will give color to your cheeks and prevent your flesh, in old age, from turning into yellow, dried-up parchment. Come home with pockets full of presents for the children. Let them put their little hands right to the bottom of those pockets. You will be repaid, amply repaid, by their holding out their little round faces, to thank you in anticipation of what they know you have done for them. That may be cupboard love—of course it is; every love, except a mother's, is cupboard love—never mind that: if you will make up your mind not to expect too much from man, you will be satisfied with getting what you can from children.

* * *

The most real, the sweetest pleasures in life are the pleasures of poverty.

There died, in Edinburgh, a few years ago, a cheerful, happy-looking old woman, who sold sweets to the children of the Cowgate, that wretched, squalid spot of the Scottish capital. Her whole stock was worth about a couple of shillings, and she once told me that when at the end of the day she had made six or eight pence profit she was quite satisfied. Alas, there are many children, in the Cowgate, who never felt in the hollow of their hands a half-penny or even a farthing, and who, on beholding the old woman's basket full of shiny white, pink and rose candies, would throw a side glance of envy and pass on, sad and dejected, or stop a few seconds, with their fingers in their mouths. Seldom

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was a child, who could not afford to pay her, allowed to pass that basket without receiving one for love. One day, coming out of school, the children looked for the old woman in vain. She was dead. At her funeral, hundreds of barefooted little boys and girls in rags followed their departed friend down the Cowgate.

When that old woman arrived at the gates of Heaven, there were more angels to meet her and take her to the throne of the Almighty than there would be for the arrival of all the dukes in Christendom. If there are social sets in Heaven, I guess that old woman is a leader of fashion among the four-hundred there—or my idea of Heaven is altogether wrong.

MAX O'RELL.

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RECENT PHASES OF LITERARY CRITICISM.

BY JOHN BURROUGHS.

I.

THE criticism of criticism is one of the marked literary characteristics of the last ten or fifteen years, both in this country and in Europe. It is seen in France in Brunetière's essays and in Hennequin's "Scientific Criticism;" in England, in the recent work of Wm. B. Worsfold on the "Principles of Criticism" and in Mr. John M. Robertson's two volumes of "Essays Toward a Critical Method;" in this country, in Mr. Howells's "Criticism and Fiction," in Prof. Johnson's "Elements of Criticism" and in the still more recent work of Prof. Sears on "Methods and Principles of Criticism," besides the numerous discussions of the subject in the magazines and literary journals.

One of the latest phases of the subject was recently discussed by Professor Oscar L. Triggs, of Chicago University, under the head of "Democratic Criticism." When Professor Triggs first broached this subject, a year or two ago, in a western literary journal, several voices of protest—mostly those of college professors—were heard. One of them asked, ironically, Why not have a democratic botany and zoölogy and geology and astronomy, etc.? I think it may be said in reply that, so far as democracy is based upon natural law and means free inquiry, a fair field and no favor, we have these things already. All science is democratic, in the sense that it is no respecter of persons, has no partialities, stops at no arbitrary boundaries, and places all things on an equal footing before natural law. No doubt, also, science directly makes for democracy. When it has shown us the celestial laws working here under foot as well as in the heavens, and that all things are made of one stuff, it is making smooth the way for democratic ideas and ideals.

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Still, pure science is outside the domain of literature, and does not reflect a people's life and character as literature does. It does not hold the mirror of man's imagination up to nature, but resolves nature in the alembic of his understanding. It is not an exponent of personality, as art is, but an index of the development and progress of the impersonal reason. But when we enter the region of the sentiments and the emotions—the subjective world of criticism, literature, art—the case is different. Here we find reflected social and arbitrary distinctions; here we find mirrored the spirit and temper of men as they are acted upon and modified by the social organism and the ideals of different times and races. A democratic community will have standards of excellence in art and criticism differing from those of an aristocratic community, and will be drawn by different qualities. It seems to me that Dr. Triggs was quite right in saying that a criticism that estimates literary features according to absolute standards, that clings to the past, that cultivates the academic spirit, that is exclusive and unsympathetic, may justly be called aristocratic; and that a criticism that follows more the comparative method, that adheres to principles instead of to standards, and lays the stress upon the vital and the characteristic in a man's work, rather than upon its form and extrinsic beauty, is essentially democratic.

No doubt the ideal of the monumental works of antiquity is essentially anti-democratic. It was fostered by an exclusive culture. It goes with the idea of the divine right of kings, of a privileged class, and is at war with the spirit of our times. The Catholic tradition in religion and the classical tradition in literature are as foreign to the spirit of democracy as is the monarchial tradition in politics. They are all branches from the same root. The classical tradition begat Milton, but it did not beget Shakspere, the most marvelous genius of the modern world. To the classic tradition, as it spoke through Voltaire, Shakspere was a barbarian. Indeed, Shakspere's art was essentially democratic, how much soever it may have occupied itself with royal and aristocratic personages. It is as free as an uncaged bird, and pays no tribute to classic models. Its aim is inward movement, fusion and vitality, rather than outward harmony and proportion. A Greek play is like a Greek temple—chaste, severe, symmetrical, beautiful. A play of Shakspere is,

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as Dr. Johnson long ago suggested, more like a wood or a piece of free nature.

II.

Democratic and aristocratic may not be the best terms to apply to the two opposing types of critics—men like Matthew Arnold or the French critic, Ferdinand Brunetière, on the one hand, both the spokesmen of authority in letters; and men like Sainte-Beuve and Anatole France, and the younger generation of English and American critics on the other, men who are more tolerant of individual differences and more inclined to seek the reason of each work within itself. Yet these terms indicate fairly well two profoundly different types.

Brunetière is a militant and dogmatic critic, as we saw by his severe denunciation of Zola while lecturing in this country last year. One of his eulogists speaks of him as the "autocrat of triumphant convictions." Of democratic blood in his veins there is very little. He reflects the old orthodox and aristocratic spirit in his dictum that nature is not to be trusted; that both in taste and in morals what comes natural to us and gives us pleasure is, for that very reason, to be avoided. Nature is depraved. In morals, would we attain to virtue, we must go counter to her; and in art and literature, would we attain to wisdom, we must distrust what we like. This suspicion of nature was the keynote of the old theology, which found its authority in a miraculous revelation, and it is the keynote of the old Aristotelian criticism, which found its authority in a body of rules deduced from the masters. The new theology looks for a scientific basis for its morals, or seeks for the sanction of nature herself; and democratic criticism aims to stand upon the same basis, and cleaves to principles and not to standards, not by yielding to the caprices of uninformed taste, but by seeking the law and test of every work within itself. We no longer judge of the worth of a man by his creed, but by what he is in and of himself; by his natural virtues and aptitudes, and we no longer condemn a work of art because it breaks with the old traditions.

Arnold was of similar temper with Brunetière. His elements of style are "dignity and distinction," a part of the classic tradition, a survival from the feudal and aristocratic world, from a literature of courts and courtiers, as distinguished from a literature of the people, a democratic literature. Distinction of

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utterance, distinction of manners, distinction of dress and equipage—they are all of a piece, and adhere in the aristocratic and monarchical ideal. The special antipathy of this ideal is the common; all commonness is vulgar. When Arnold came to this country and became interested in the lives of Grant and Lincoln, he found them both wanting in distinction—there was no savor of the aristocratic in their words or manners. And the criticism is true. From all accounts, Grant presented a far less distinguished appearance at Appomattox than did Lee; and Lincoln was easily outshone in aristocratic graces by some members of his cabinet. Indeed, the predominant quality of the two men was their immense commonness. Washington and Jefferson came much nearer the aristocratic ideal. Lincoln and Grant both had greatness of the first order, but their type was democratic and not aristocratic. The aristocratic ideal of excellence embraces different qualities; there is more pride, more exclusiveness in it; it holds more by traditions and special privileges. Lincoln had less distinction than Sumner or Chase, Grant less than Sherman or Lee, but each had an excellence the others had not. The choice, the refined, the cultured, belong to one class of excellencies; the qualities of Lincoln and Grant belong to another and more fundamental kind. Arnold himself had distinction; he had urbanity, lucidity, proportion, and many other classic virtues, but he had not breadth, sympathy, heartiness, commonness. The quality of distinction, an air of something choice, high-bred, superfine, will doubtless count for less and less in a country like ours. In literature and in character we are looking for other values, for the true, the vital, the characteristic. There is nothing in life or character more winsome than commonness wedded to great excellence; the ordinary crowned with the extraordinary, as in Lincoln the man, Socrates the philosopher, Burns or Wordsworth the poet. Distinction wins admiration, commonness wins love. The note of equality, the democratic note, is much more pronounced in Browning than in Tennyson, in Shelley than in Arnold, in Wordsworth than in Milton, and it is more pronounced in American poets than in English. In times and for a people like ours, the suggestion of something hearty and heroic in letters, is more needed than the suggestion of something fine and exquisite. Distinction is not to be confounded with dignity or elevation, which flourishes more or less in all great

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peoples. A common laboring man may show great dignity, but never distinction. Dignity often shone in the speeches of the old Indian chiefs, but not distinction.

The more points at which a man touches his fellow man, the more democratic he is. The breadth of his relation to the rest of the world, that is the test. Sainte-Beuve was more truly a democratic critic than is Brunetière. The democratic producer in literature will differ from the aristocratic less in his standards of excellence than in the atmosphere of human equality and commonness which he effuses. We are too apt to associate the common with the vulgar. There is the commonness of a Lincoln or a Grant, and there is the commonness of the lower strata of society. There is the commonness of earth, air and water, and there is the commonness of dust and mud; the commonness of the basic and the universal, and the commonness of the cheap and tawdry. Grant's calmness, self-control, tenacity of purpose, modesty, comprehensiveness of mind, etc., were uncommon in degree, not in kind. He was the common soldier with extraordinary powers added, but the common soldier was always visible. So with Lincoln, his greatness was inclusive, not exclusive.

III.

With some of Dr. Triggs' dicta I do not find myself in full accord. "With the standard of good taste," he says, "democracy has little to do." Yet one feels that democratic principles and usages must in some way be made to square with good taste and right reason. If they do not, then are not these principles discredited? Good taste, right reason, are grounded in the fitness of things. Democracy is also supposed to be grounded in the fitness of things. Can the two then be at war? The quiet, the decorous, the proper, the happy mean—are these things foreign to an ideal democracy? Are the loud, the bizarre, the tawdry, the "cheap and nasty," to be desired or looked for? Are not these last the accidents rather than the essentials of democratic conditions? Make prominent the people and you make prominent their vices and vulgarisms also. Cultivate the people, keep principles of good taste and right reason before them, and their vices and vulgarisms diminish. We cannot rise to excellence in anything if we lose sight of the "best." Standards must be kept high, or our achievements will fall low. If all cannot have the best, all can have the

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good. In a world where everybody is educated and reads books, much poor literature will circulate, but will not the good, the best circulate also? Will there not be the few good judges, the saving remnant? Is there not as much good taste and right reason now in England or France as during more rigidly monarchical times?

The ideal democracy is not the triumph of barbarism, or the riot of vulgarity, but it is the triumph of right reason and natural equality and inequality. Some things are better than others, better from the point of view of the whole of life. These better things we must cling to and make much of in a democracy, as in an aristocracy. We must aspire to the best that is known and thought in the world. This best a privileged class seeks to appropriate to itself; a democracy seeks to share it with all. All are not capable of receiving it, but all may try. They will be better able to-morrow if they have the chance to-day. We must not ignore the vulgarity, the bad taste incident to democratic conditions. If we do, we never get rid of them. Political equality brings to the foreground many unhandsome human traits, the loud, the mediocre, the insolent, etc. All the more must we fix attention upon the true, the noble, the heroic, the disinterested. The rule of temperance, of good taste, of right reason, antedates any and every social condition. Democracy cannot abrogate fundamental principles. The essential conditions of life are not changed, but arbitrary, accidental conditions are modified. One still needs food and raiment and shelter and transportation; he is still subject to the old hindrances and discouragements within himself.

We must give the terms good taste, right reason, a broader scope, that is all. The principles of good taste when applied to art are not fixed and absolute, like those of mathematics or the exact sciences. They are vital and elastic. They imply a certain fitness and consistency. Shakspere shocked the classic taste of the French critics. He violated the unities and mixed prose and poetry. But what was good taste in Shakspere—that is, in keeping with his spirit and aim—might be bad taste in Racine. What is permissible to an elemental poet like Whitman would jar in a refined poet like Longfellow. But bad taste in Whitman; that is, things not in keeping with the ideal he has before him, jar the same as in any other poet. He has many lines and passages and whole poems that set the teeth of many readers on edge, that are yet in perfect keeping with his plan and spirit. They go with the

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poet of the Cosmos, but not with the poet of the drawing room or library. My taste is not shocked, but my courage is challenged. When, in one of the earlier editions of his poems, he said of the Brooklyn hills, "Bully for you!" he was guilty of bad taste, he used vulgar slang that had no meaning, as he himself saw later. I count him guilty of bad taste when he applies the word "meat" to the flesh of the human body, or when he said, "I cock my hat as I please, indoors and out," or when he addressed the earth as "old top knot," but not when he discarded the rules of prosody in his poetry. Here he was appealing to a more free, robust and open air taste. It was in keeping with the whole scheme of his work. Good taste is not in keeping the rule, but in being true to the life, in observing the true relativity of things. I count Dr. Holmes guilty of bad taste when, in a serious biographical work, he spoke of Emerson's mouth as a port of entry. I count Lowell guilty of bad taste when he said that Milton was about the only poet who ever got much poetry out of a cataract, and that was a cataract of the eye. Such things jar because they are incongruous. They are jokes out of season and out of place. To have good taste, in my meaning of the term, is to be able to perceive that which is æsthetically sound and true.

In Whitman's case the appeal is not so directly and exclusively to our æsthetic perceptions as it is by most other poets; he is elemental where they are cultured and artificial; at the same time he can no more escape æsthetic principles than they can. Because a flower, a gem, a well-kept lawn, etc., are beautiful, we are not compelled to deny beauty to rocks, trees and mountains. If Whitman does not, in his total effects, attain to something like this kind of beauty he is not a poet.

IV.

I have said that Sainte-Beuve was more truly a democratic critic than is M. Brunetière. He is more tolerant of individualism in letters. He called himself a naturalist of minds. His main interest in each work was in what was most individual and characteristic in it. He was inclusive rather than exclusive, less given to positive judgments, but more to sympathetic interpretation. He united the method of Darwin to the sensibility of the artist. Critics like Arnold and Brunetière uphold the classic and academic traditions. They are aristocratic because they are the spokesmen of an exclusive culture. They derive from Catholi-

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cism more than from Protestantism; they uphold authority rather than encourage individuality in life and letters. In criticism they aim at that intellectual disinterestedness which is indeed admirable, and which has given the world such noble results, but which seems unsuited to the genius of our time. Ours is a democratic century, a Protestant century. Individualism has been the dominant note in literature. The men of power, for the most part, have not been the disinterested, but the interested men, the men of conviction and more or less practical views, who have not so much aimed to see the thing as it is in itself as they have aimed to make others see it as they saw it. In other words, they have been preachers, doctrinaires, men bent upon the dissemination of particular ideas.

One has only to run over the list of the foremost names in literature for the past seventy-five years. There is Tolstoi, in Russia, clearly one of the great world writers, but a doctrinaire through and through. There is Renan, Victor Hugo, Taine, Thiers, Guizot, in France; Wordsworth, Coleridge, Carlyle, Ruskin, Newman, Huxley, George Eliot, Mrs. Ward, in English literature, and in American literature Emerson, Whitman and Thoreau. All these men had aims ulterior to those of pure literature. They were not disinterested observers and recorders. They obtruded their personal opinions and convictions. They are the men with a message. Their thoughts spring from some special bent or experience, and address themselves to some special mood or want. They wrote the books that help us, that often come to us as a revelation; works of art, it may be, but of art in subjection to moral conviction and directed to other than purely æsthetic ends. They gave expression to their individual tastes and predilections; they were more or less tethered to their own ego, they may be called the personal authors, as their predecessors may be called the impersonal. They are not of the pure breed of men of letters, but represent crosses of various kinds, as the cross of the artist with the thinker, the savan, the theologian, the man of science, the reformer, the preacher, etc. These personal authors belong to the modern world more than to the ancient—to a time of individualism more than to a time of institutionalism; to an industrial and democratic age, more than to an imperial and military age.

Modern life is undoubtedly becoming more and more im-

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personal in the sense that it favors less and less the growth and preservation of great personalities, yet its utilitarian spirit, its tendency to specialization, its right of private judgment and its religious doubts and unrest, find their outcome in individualism in literature. The disinterested critics and recorders are still among us, but power has departed from them. The age is too serious, the questions are too pressing. The man of genius is no longer at ease in Zion. If he rises at all above the masses, he must share the burden of thought and conscience of his times. This burden may hinder the free artistic play of his powers, as it probably has in most of the names I have mentioned, yet it will greatly deepen the impression his words will make. The saying, "art for art's sake," cannot be impeached, even by Tolstoi. When rightly understood, it is true. Art would live in the whole, and not in the part called morals or religion, or even beauty. But its exponents in our day have been, with few exceptions, of a feeble type, men of words and fancies like Swinburne or Poe. In Tennyson we have as pure a specimen of artistic genius as in Shakspere, but a far less potent one. His power comes when he thrills and vibrates with some special thought or cry of his time. With the great swarms of our minor poets the complaint is, not that the type is not pure, but that the inspiration is feeble. They have more art than nature. It is the same with the novelists. Since Hawthorne and Thackeray the pure artistic gift has no longer been the endowment of great or profound personalities. George Eliot, Mrs. Ward, Tolstoi, all interested writers, all with aims foreign to pure art, are the names of power in our half of the century. Henry James is a much finer artist, but he has nothing like their hold upon the great common elements of human life. The disinterested writer gives us a higher, more unselfish pleasure than the type I am considering; we are compelled to rise more completely out of ourselves to meet him. I am only insisting that in our day he has little penetration, and that the men of power have been of the other class.

I have placed Taine among the interested critics; he was interested in putting through certain ideas; he had a thesis to uphold; he will not value all truths equally, he will take what suits him. Like all men with preconceived ideas, his mind was more like a searchlight than like a lamp. This makes him stimulating as a critic, but not always satisfying.

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The same is true of our own Emerson, probably our most stimulating and fertilizing mind thus far. Lowell, as a man of letters, is of a much purer strain; he is in the direct line of succession of the great literary names, yet the value of his contribution undoubtedly falls far short of that of Emerson. As a poet, Emerson was a poor singer with wonderfully penetrating tones, almost unequaled in this respect. The same may be said of him as a critic; he was a poor critic with a wonderfully penetrating glance. He had the hawk's eye for the game he was looking for; he could see it amid any tangle of woods or thicket of the commonplace. His special limitation is that he was looking for a particular kind of prey. His sympathies were narrow but intense. The elective affinities were very active in his criticism. He loved Emersonian poetry, he loved the Emersonian paradoxes, he valued the wild aeolian tones; he delighted in the word that gave the prick and sting of the electric spark; abruptness, surprise, the sudden, intense, forked sentence—these took him, these he dealt in. His survey of any man or matter is never a complete one, never a disinterested one, never done in the scientific spirit. He writes about representative men, and exploits Plato, Goethe, Montaigne, etc., in relation to his thought. He is always on quests for particular ideas, in search for Emersonian values. He will not do justice to such poets as Poe and Shelley, but he will do more than justice to Donne and Herbert; he finds in them what he sets out to find; it is a partial view, but it is penetrating and valuable; it is not criticism, and does not set out to be; it is a suggestive study of kindred souls. Emerson's work is kindling and inspiring; it unsettles rather than settles; it is not a lamp to guide your feet, it is a star to give you your bearings.

Carlyle and Ruskin fall into the same category. They sin against the classic virtues of repose, proportion, serenity, but this makes their penetrating power all the greater. Carlyle cannot rank with the great impartial historians, yet as a painter of historical characters and scenes the vividness and reality of his pictures are almost unequalled. Carlyle lacked the disinterestedness of the true artist. He had great power of description and characterization, but he could not as a historian stand apart from his subject as the great Greek and Roman historians do. He is a portion of all he sees and describes. He is bent upon persuasion quite as much as upon portrayal. He could not succeed as a

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novelist or a poet because of his vehement, intolerant nature. He succeeds as an historian only in portraying men in whom he sees the lineaments of his own character, as in Cromwell. He did not or could not live in the whole, as did his master, Goethe. His mind was a steep incline. His opinions were like mountain torrents. Arnold, in one of his letters, complained that in his criticism of Goethe there was too much of *engouement*—too much I suppose, of the fondness of the gourmand for a particular dish, or of the toper for his favorite tipple. His enthusiasm was intemperate, and therefore unsound. Doubtless some such objection as this may be urged against most of Carlyle's criticisms. He was ruled by his character more than by his intellect; his feeling guided his vision. If he is not always a light to the reason, he is certainly an electric excitant to the imagination and the moral sense. In his essays, pamphlets, histories, we hardly get judicial estimates of things; rather do we get our estimates, or underestimates. Yet always is there something that kindles and brings the blood to the surface. Carlyle will beget a stronger race than Arnold, but it will not be so cool and clear headed. Emerson will fertilize more minds with new thought than Lowell, but there will be many more cranks and fanatics and hobbyists among them.

Prof. Dowden says Landor falls below Shelley and Wordsworth because he had no divine message or oracle to deliver to the men of his generation; no authentic word of the Lord to utter. Landor had great thoughts, but they were not of first-rate importance with reference to his times. He was more thoroughly imbued with the classic spirit than either Shelley or Wordsworth, and the classic spirit is at ease in Zion. The modern world differs from the ancient in its moral stress and fervor. This moral stress and fervor both Shelley and Wordsworth shared, but Landor did not. Where would the world be in thought, in words, in civilization, had there been no one-sided, overloaded, fanatical men, men of partial views, half-truths, one idea? Where would Christianity have been, under the play of disinterested intellect, without disciples, without devotees, without saints and martyrs, without its Paul and its Luther, without prejudice, without superstition, without inflexibility?

We might fitly contrast these two types of mind under the heads of Protestant and Catholic, the one personal, the other impersonal. With the Protestant type, goes individualism, which, as I

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have said, is so marked a feature of the modern world. With the Catholic type goes institutionalism, which was so marked a feature of the ancient world. With the former goes the right of private judgment, innovation, progress, new forms of art; with the latter goes authority, obedience, the power of the past. The Protestant type is more capricious and willful; it is restless, agitated, impatient of rules and precedents; the older type is more serene, composed, conservative, orderly. In criticism it is more objective; it upholds the standards, it lays down the law; it cherishes the academic spirit. The French mind is the more Catholic; the English the more Protestant. In literature the Protestant type is the more subjective and creative; it makes new discoveries, it founds new orders. Catholicism is exterior, formal, imposing; it takes little account of personal needs and peculiarities, while Protestantism is almost entirely concerned with the private interior world. Individualism in religion begat Protestantism, and upon Protestantism it begat the numerous progeny of the sects, the thousand and one isms that now divide the religious world. To this spirit religion is something personal and private to every man, and in no sense a matter of forms and rituals. In fact, individualism fairly confronts institutionalism. This spirit carried into the region of æsthetics or literature gives rise to like results, to a freer play of personal taste and preferences, to more intense individual utterances, to new and unique types of artistic genius, and to new lines of activity in the æsthetic field.

Another name for it is the democratic spirit. Its special dangers are the crude, the odd, the capricious, just as the danger of institutionalism is the coldly formal, the lifeless, exact. In English literature the former begat Shakspere, as it did Tupper; the latter begat Milton, as it did Young and Pollock. With institutionalism goes the divine right of kings, the sacredness of priests, the authority of forms and ceremonies, and the slavery of the masses; with individualism goes the divinity of man, the sacredness of life; the right of private judgment, the decay of traditions and forms and the birth of the modern spirit. With one goes stateliness, impressiveness, distinction, as well as the empty, the moribund, the despotic; with the other goes vigor, seriousness, originality, as well as the loud, the amorphous, the fanatical.

JOHN BURROUGHS.

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FREEDOM FROM CAPTURE OF PRIVATE PROPERTY AT SEA.

BY CHARLES HENRY BUTLER.

"SHALL we go forward or backward, or in what direction?" So asked John Bright of the House of Commons in 1862, during a great debate in regard to the freedom of private commerce on the sea from capture during war.

In England the question has never been definitely answered; but in this country the answer has come in clear and undisguised tones from President McKinley in his last annual message to Congress, in which he said:

"The experiences of the last year bring forcibly home to us a sense of the burdens and waste of war. We desire, in common with most civilized nations, to reduce to the lowest possible point the damage sustained in time of war by peaceful trade and commerce. It is true we may suffer in such cases less than other communities, but all nations are damaged more or less by the state of uneasiness and apprehension into which an outbreak of hostilities throws the entire commercial world.

"It should be our object, therefore, to minimize so far as practicable this inevitable loss and disturbance. This purpose can probably be accomplished by an international agreement to regard all private property at sea as exempt from capture or destruction by the forces of belligerent powers. The United States government has for many years advocated this humane and beneficent principle, and is now in position to recommend it to other powers without the imputation of selfish motives. I therefore suggest for your consideration that the Executive be authorized to correspond with the governments of the principal maritime powers, with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerent powers."

By these few words, so aptly and so forcibly spoken at the most opportune time, the policy of the United States has been pledged by the Administration, so far as it is possible for the Chief Executive to do so, and the reply to the question put by Mr. Bright thirty-six years ago is that the world not only must move, but

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that it shall move in the right direction—forward, and not backward.

Mr. McKinley has exhibited on more than one occasion the faculty of expressing great principles, and the motives underlying them, in the fewest possible words, and these terse sentences have in no wise diminished his reputation in this respect. In analyzing them we find that the subject matter has been disposed of in all of its many aspects. "The experiences of the last year bring forcibly home to us a sense of the burdens and the waste of war." "We" are the victorious nation; how, therefore, could "we" have felt this burden and waste? Did he not mean that those burdens have been felt by our conquered enemies instead of ourselves? Not at all. He meant exactly what he said.

We felt them because, as our commerce is far greater than that of Spain, we had to bear the risk of capture and pay for it, notwithstanding the remote chance of loss, and notwithstanding, as the result proved, the inability of our enemy even to capture merchantmen. Notwithstanding the remoteness of the risk, however, one well-known shipping firm in New York City paid during the brief period of war over sixty thousand dollars in war premiums, and the aggregate amount of such premiums, according to shippers well informed as to the actual facts, far exceeded the value of all the Spanish merchantmen captured by our Navy under the general rules of maritime warfare.

But, it may be said, this was simply a payment by one class of our citizens to another class; what was one man's loss was another's gain; therefore no real or permanent loss resulted to the country at large. This argument, however, will not hold, for in this case nearly all risks were carried by foreign companies, and by far the largest part of the enormous aggregate amount was paid by American shippers, in American money, to foreign corporations, and therefore was a complete loss to our national wealth. Thus, even though victorious in the war, and strangely fortunate in not losing a single vessel, either merchant or naval, by capture or destruction, the burdens and waste of war were daily brought home to us in the most forcible manner.

The desires of this country in this respect are linked, as the message well expresses it, with those of other civilized nations, in order to reduce this damage to the lowest possible point; this can only be done by relieving commerce of the state of uneasiness and

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apprehension into which an outbreak of hostilities necessarily throws the entire commercial world.

Why should the commercial world still be hampered by rules of warfare, as to maritime property, while the similar rules as to property on land became obsolete years ago, and were superseded by those more humane and sensible provisions which have been incorporated into the rules of war on land, of our own country, in fact, of almost every country which claims to rank among the really civilized nations of the world?

The only reason is that, up to this time, no nation has had the courage and tenacity not only to express the desire that the existing right should be modified, but also to insist upon such modification as a part of the law of nations, and not of particular conventions between individual states; and to effectively maintain that the time has at last come when civilization and humanity demand that a lawful (for it is lawful, even though barbarous) rule of war should be abrogated, although it may be apparently advantageous, from a naval and military point of view, to some of the nations which unselfishly offer to forego it, and which ask that all the other civilized nations of the world will join with them in an act that is bound to mark an epoch in the advance of civilization.

The statement that the desired object of minimizing, as far as possible, the inevitable loss and disturbance caused by war, can best be accomplished by an international agreement to regard all private property at sea as exempt from capture, is the practical, and, in fact, the only practicable, solution of the difficulty, and in a few concise words the President has not only diagnosed the trouble, but he has prescribed the remedy, and urged the immediate application thereof by the only power that can administer it, so far as this country is concerned—Congress.

Already resolutions have been introduced in both branches of the Legislature, authorizing correspondence on this subject by the Executive, through the regular and proper channels, with the representatives of foreign powers, and providing for the necessary expense of an International Congress. The only possible means of properly and speedily arriving at an agreement which will effect the desired reform is by formulating a universal treaty, which, when ratified by the various governments participating, will equally bind every one, so that any violation of the rule by a bel-

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ligerent will be an offense, not against the other warring power only, but against all the nations uniting in the convention.

It is earnestly hoped that these resolutions will be speedily adopted, so that the proposed congress can be held at an early date this year, if possible.

The attitude of the United States, which has been thus expressed by the Executive, is in exact accord with its position as expressed during the Confederation, in the treaty concluded in 1785 with Prussia by Benjamin Franklin; during the administration of President Monroe, three-quarters of a century ago, through John Quincy Adams, then Secretary of State; by President Pierce and Secretary Marcy in 1854 and 1856; during Lincoln's administration by Secretary Seward in 1862. With such a clear record, there is every reason why this Government should now take the initiative in urging upon the world at large the adoption of a rule which it has always desired, but which, manifestly, it could not single-handed adopt or enforce.

We could not accede to the Declaration of Paris in 1856 because it abolished privateering at a period when we necessarily depended upon that form of naval protection for our very large merchant marine, and when our navy was abnormally small. President Pierce concisely and correctly formulated our position in this respect in his message of 1854, as follows:

> **"The proposal to surrender the right to employ privateers is professedly founded upon the principle that private property of unoffending non-combatants, though enemies, should be exempt from ravages of war. . . . Should the leading powers of Europe concur in proposing as a rule of international law to exempt private property upon the ocean from seizure by public armed cruisers as well as by privateers, the United States will readily meet them upon that broad ground."**

In the recent war with Spain we necessarily enforced the rule of capture, as there was no response to our proclamation that we would not resort to privateering; and, as the implied retention of that right by Spain rendered our commerce subject to capture, we were bound to reserve and exercise every right of war as against our enemies.

Grave questions also exist as to the propriety of the Government's abolishing this class of captures, and the resulting increase of pay of naval officers and seamen by the prize money resulting therefrom, without some proper arrangement in that respect in advance of a declaration of war. It is to the credit of our Navy,

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however, that there seems to be an almost unanimous willingness to abolish prize money, and to stand upon a pay table arranged on a proper scale, relative to that in the Army; and, unquestionably, so far as the element of prize money is concerned, no voice of opposition will be heard from our Navy against the abolition of the capture of unoffending merchantmen. Officers and men alike are on the outlook for something better to capture or destroy than unarmed trading vessels, incapable of defense against even gunboats of the smallest class.

Notwithstanding the acknowledged right of capture, however, the United States Government, as an act of graciousness, has offered to restore to their owners those merchant vessels which were taken in the harbor of Santiago by the Army, and in regard to which there was no claim for prize money, thus treating maritime property, belonging to the residents of that city, in the same manner as property on land.

To the average mind the proposition that private property on sea should be treated on the same basis as private property on land seems almost self-evident, and the failure to adopt the rule seems inexplicable. The reason, however, lies in the hitherto persistent refusal of England to accede to the much desired reform. In 1825, France, Russia and the United States were ready to enter into an agreement abrogating the right of capture, but England declined to consider it, and it was not deemed advisable to conclude any general or individual convention without the accession of that power.

From that time to this there has been constant division in England, among her greatest statesmen, as to the advisability of the rule; the weight of authority has been sometimes on one side and sometimes on the other; in fact, in some instances, the same men have appeared on both sides of the controversy. Professor Hall, in the earlier edition of his valuable treatise on International Law, expressed himself as doubtful of the expediency of reforming the rule, but he was apparently a zealous convert to it in 1875, as appears by his article in the October number of the "Contemporary Review" for that year. The most noticeable instance of a changing heart, however, was when Viscount Palmerston asserted before the Liverpool Board of Trade, in 1856, that the honor and glory of having secured the Declaration of Paris belonged to the Ministry of which he was a member, and pledged

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himself to obtain, if possible, the exemption from capture of all non-offending private property. Six years later, however, in Parliament, during the debate on Mr. Horsfall's motion to so extend the rule, he declared that the policy of the exemption from capture would be suicidal. He gave no reason, except that he had changed his mind. Such an opportunity could not be lost by Mr. Disraeli, who, thereupon, although himself opposed to the proposed reform, made this announcement the subject of a characteristically sarcastic speech, in which he asked the "noble lord" if all of his plans of government, so enthusiastically delivered and received at public meetings, were to be stigmatized by himself as "suicidal policies" when made the subject of motions in Parliament. Doubtless, Lord Palmerston felt towards his Parliamentary antagonist exactly as Browning did when he dashed off his famous parody on the music hall song, "By Jingo," at Mr. Gladstone's breakfast:

> "We don't want to fight,
> But 'by jingo' if we do,
> The man whose head I want to punch
> Is Beaconsfield the Jew."

Lord Palmerston stuck to his new views, however, throughout the entire debate, in which Mr. Bright took part and asked the pertinent question already quoted, and owing to his opposition the movement did not result in any parliamentary reform at that time. The subject was not revived in Parliament again until Sir John Lubbock brought it up in 1878, when, after a prolonged debate lasting three evenings, he finally consented to withdraw his motion without action.

To-day, however, sentiment is changing in England, and recently articles and pamphlets have appeared from authoritative sources, adopting the view announced by Professor Hall—that the greater the commerce of any nation, the greater its actual loss, and still greater its risks, and that the benefits of the rule of exemption are greater than those of the right of capture, when the longer periods of peace are contrasted with the shorter periods of war. This is most apparent in the case of wars between nations which have great merchant marines and those which have a smaller number of vessels to be exposed.

The proposition is a simple one. A great nation is bound to win eventually in a war against a smaller one. Meanwhile, how-

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ever, the commerce destroyers of the smaller nation may capture or destroy many merchant vessels of the larger power, and will necessarily have far more opportunities to do so, on account of the great number of vessels scattered all over the world, while the more powerful nation will not be able to retaliate in the same manner, not from any weakness of its own, but on account of the fewness of its adversary's vessels.

Under existing rules, a great mercantile nation will also have to spread its navy around the whole world to protect its peaceful commerce, thus weakening it for coast defense, blockades and attacks upon the enemy's strongholds and navy. If private commerce were exempted, although the enemy's merchantmen could not be captured, the navy could concentrate its forces upon the other points of attack and defense much more effectually, and ultimately be of greater benefit than if it were partly employed in protecting its own citizens from individual losses, and hunting for spoils, with the hope of weakening the adversary's financial resources. The other European nations are generally in favor of the rule of exemption, with the possible, although by no means certain, exception of France, to whom, however, belongs the credit of having in 1823, during the then existing war with Spain, made the earliest recorded announcement, during war, that the right of capture of merchantmen would be waived (although the principle had been first adopted in theory by the United States and Prussia in 1785). Since then, however, her course has varied, and during the war of 1871 she refused to reciprocate the exemption offered by Germany as to private property, thus forcing the abrogation of the rule, as announced by Germany at the commencement of the war.

Germany is apparently in favor of reforming the rule, and local efforts are now being made to have the government take the matter up; but it is trusted that this country will have the credit at the present time of taking the lead in this step, not only as to the suggestions already made, but as to the complete consummation so earnestly desired.

Italy is already bound to accede, as the rule is part of her civil and military law, and has also been embodied in treaties with several powers, including the United States. Austria has within the last thirty-five years, at least twice, exempted private property, once in a war with Italy and once in a war with Germany.

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Russia is to some extent committed to the rule, as it is a step toward that universal peace which the Czar has asked all of his fellow sovereigns to assist him in obtaining by reducing the armaments of Europe.

All of the South American states will doubtless be eager for the adoption of the rule, and will gladly enter the conference. Bolivia, although hardly a maritime power, has already, in a treaty with the United States, provided for the adoption of this rule.

The nations of the East, China and Japan, are in such positions, both as to their navies and their commerce, that the rule of exemption will have far greater advantages than the right of capture, and they will doubtless gladly favor any measure which will definitely establish the rule.

Under all the existing circumstances, therefore, this is the most opportune time for the assembling of an international convention to consider the subject, and it is eminently proper that it should be held in this country, and at the seat of our Government.

Congress should not hesitate either to clothe the Executive with authority to enter into correspondence with the governments of the principal maritime nations, as suggested by the President, or to appropriate the necessary funds to defray the expenses of the International Congress as soon as the invitations are accepted, and the preliminaries arranged. It is of the utmost importance that there should be no delay, for the subject might be taken up and carried out by some other government, as soon as the consummation appears inevitable, and we should then be deprived of the honor and credit to which we are rightfully entitled, as the first nation to suggest the reform after the matter had lain dormant for a quarter of a century.

CHARLES HENRY BUTLER.

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THE POWERS OF THE INTERSTATE COMMERCE COMMISSION.

BY MILTON H. SMITH, PRESIDENT OF THE LOUISVILLE & NASHVILLE RAILROAD.

IN an article in the NORTH AMERICAN REVIEW for November, Mr. Charles A. Prouty, of the Interstate Commerce Commission, presents an ingenious argument in favor of certain demands which the Commission has assiduously pressed upon Congress for the last year or two.

Mr. Prouty strives to show that the rate-making power desired by the Commission is not a rate-making power; but he admits that the power "certainly is great." The best way to ascertain just what this power is, is to take the precise language of the Cullom Bill, which represents exactly what the Interstate Commerce Commission proposes. After providing for a hearing, this proposed amendment reads as follows:

> "If the Commission is of the opinion that the rates, fares, or charges, as filed and published, or the classification, or the privileges, facilities and regulations published in connection therewith are unreasonable or otherwise in violation of law, it shall determine what are and will be reasonable and otherwise lawful rates, fares, charges, classification, privileges, facilities or regulations, *and shall prescribe the same, and shall order the carrier or carriers to file and publish, on or before a certain day, to take effect on a certain day, schedules in accordance with the decision of the Commission.* . . .
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> "A rate, fare, or charge established by the order of the Commission shall not be increased, nor shall a classification, privilege, facility or regulation so established be departed from, without the consent of the Commission, granted upon application of the carrier after due notice and upon full hearing."

This language certainly speaks for itself and leaves nothing to implication. Mr. Prouty argues upon the assumption that the Commission can take action only upon a sworn complaint, but

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the act permits the Commission to originate these proceedings without any complaint whatever. The Commission may thus proceed on its own motion and bring before it in one proceeding as many carriers as it may choose, and change as many rates, fares, charges, classifications, privileges, facilities and regulations as it may wish, and prescribe the same, and order the carriers to file and publish on or before a certain day, to take effect on a certain day, schedules in accordance with the decision of the Commission. This is tremendous power, and there is no ground for believing that it would be sparingly or cautiously exercised, for, in the Cincinnati and Chicago Freight Bureau cases, the Commission made orders directly affecting about thirty carriers, requiring very material changes in rates on several thousand commodities from Chicago and Cincinnati to eight important commercial centres in the Southern States, thereby radically changing the entire rate situation as to all south-bound traffic in the territory between the Atlantic and Mississippi, and even further West.

Under the most drastic State Commission laws, the Commissions are authorized to make schedules of charges and reasonable rates of transportation. If the Interstate Commerce Act is amended, as desired by the Commission, that Commission will have precisely the same power. The carrier will have to file all of its interstate rates with the Commission; the Commission will inspect those rates; if it believes them reasonable it will not change them; otherwise it will. A hearing and an investigation are provided for, but that does not affect the power. The most sovereign State Commission is presumed to act only upon investigation, and would not refuse to give the carrier a hearing. Under the plan of the Interstate Commerce Commission, its orders can go into effect without any resort to any judicial tribunal for their enforcement, and the rates made by the most thorough-going rate-making State Commission can have no greater effect than that. Under the Federal Constitution, the rates made by the most powerful Commission, or even by the Legislatures themselves, are susceptible of review if they are confiscatory in character, and under the powers of review proposed by the Interstate Commerce Commission it seems quite clear that the railroads can expect no relief from the courts upon a review of the rates made by the Commission, unless they show substantially that the rates are confiscatory in character. In its Eleventh Annual Report, the Commission

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admits that the right of review which it proposed "would not probably embarrass the practical operation of the law;" in other words, it would not embarrass the Commission in the extensive rate-making in which it will engage if this power is conferred upon it.

Railroad commissions can be of but two sorts: First, those which are designed to enforce the law, by instituting prosecutions and by assisting complainants against the railways both in the courts and out; and, second, those which, in fact, are empowered to take charge of the traffic departments of the railroads and make rates for them. No one can read the debates in Congress without being convinced that the Interstate Commerce Commission was intended to be simply of the first-named class. The proposition now is to change the Commission entirely by putting it into the second class, and to constitute it thereby the virtual traffic manager of all the railways in the United States.

The amendments sought by the Commission involve a radical change in the policy of the law. The purpose of the present Interstate Commerce Act was summed up by the Select Committee of the Senate in its report submitted with the bill, which, with some modifications, was finally enacted, as follows:

> "The provisions of the bill are based upon the theory that the paramount evil chargeable against the operation of the transportation system of the United States as now conducted is unjust discrimination between persons, places, commodities or particular descriptions of traffic. The underlying purpose and aim of the measure is the prevention of these discriminations, both by declaring them unlawful and adding to the remedies now available for securing redress and enforcing punishment, and also by requiring the greatest practicable degree of publicity as to the rates, financial operations and methods of management of the carriers."

In speaking of discriminations between persons similarly situated, the Committee said :

> "This is the most flagrant and reprehensible form of arbitrary discrimination. Individual favoritism is the greatest evil chargeable agains the management of the transportation system of the United States."

Traffic evils are of three kinds: First, discrimination between individuals at the same locality; second, discriminations between different localities; third, excessive rates. The Interstate Commerce Act was evidently designed to correct the first and second classes of these evils, and especially the first class. The third class of evils could hardly have been said to exist as an independent class. Rates in general were extremely low when the Interstate Com-

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merce Act was passed. If any particular rates were too high they were out of line with the general adjustment, and, therefore, constituted unjust discriminations. The Commission now proposes to reverse the plan of the Act, and to make of paramount importance the correction of excessive rates, an object which was considered of very slight moment at the time of the passage of the act, and which is still less important now.

Congress prohibited charging more for a short haul than for a long haul under substantially similar circumstances and conditions, but gave the Commission power to afford relief from the operation of the law in special cases. Even that qualifying power of relief was strenuously resisted in Congress, as giving too much power to the Commission. But now the Commission proposes to repeal the long and short haul law, and enact in its stead a provision that the Commission may, when it thinks proper, order carriers not to charge more for short than for long hauls; in other words, instead of a qualified power of relief from the long and short haul law, the Commission is to be allowed to make long and short haul laws at will, varying such laws in different sections to suit its views.

The same idea of completely reversing the whole policy of the act is exhibited in many other respects, and especially in the proposed change in the method of procedure, whereby the Commission's orders are to be made self-executing.

Such far-reaching powers ought never to be granted without grave necessity, and there is, in fact, no necessity for granting them. They are not needed to correct the only real evil of the traffic situation at present, which is discrimination between individuals in the same locality.

The only branch of the powers demanded which would affect unjust discriminations between localities is the power to prescribe a minimum rate. But this power is not needed, and it would be an extremely dangerous power to confer upon the Commission. Whenever railroads, either separately or through any joint arrangements, so adjust their rates as to discriminate against one place upon their lines in favor of another, the law as it is affords ample opportunity for correcting that discrimination. This is illustrated by the recent decision of Judge Severens in the Chattanooga case, wherein the court decreed the enforcement of an order of the Commission prohibiting what the Commission

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considered to be an unjust discrimination against Chattanooga and in favor of Nashville. The case has been appealed, indeed; but it proves that, whenever an unjust discrimination in fact exists, the courts will correct it by enforcing the orders of the Interstate Commerce Commission. The trouble up to this time has been that the Commission has persisted in treating as unjust discriminations perfectly proper and just discriminations, resulting from the necessary recognition by carriers of unavoidable and controlling competition, and the courts have almost without exception in such cases held that the discriminations were not unjust, and, therefore, they have declined to enforce the orders of the Commission.

The class of cases to which the Commission intends especially to apply the power to prescribe minimum rates, is illustrated by a case stated in the Commission's last annual report. Eau Claire, Winona and La Crosse are rival lumber markets, on navigable streams down which the logs are brought from the forests. Eau Claire is considerably nearer the forests, and, therefore, gets its logs more cheaply than Winona and La Crosse. Certain railroads, which do not reach Eau Claire, extend westward from Winona and La Crosse. In order to develop the lumber trade at the two latter places, these railroads so reduced their rates on lumber as to compensate Winona and La Crosse for the disadvantage of their location, and to enable them to compete with Eau Claire. The Commission pronounced this principle of rate adjustment as radically unsound, and insists that Eau Claire must be given the benefit of its natural advantages. Consequently, if the Commission had the power to establish minimum rates, it would proceed to compel the railroads from Winona and La Crosse to increase their rates on lumber from those places, so that they would no longer be able to compete with Eau Claire. The inevitable tendency of this would be to centralize the lumber trade of that region at Eau Claire. That this is a most dangerous power is obvious, and the effect of its exercise would be to interfere with one of the most salutary forms of competition existing in this country, which tends to keep down rates, and to prevent the centralization of industry in a few places enjoying exceptional natural advantages.

Mr. Prouty points out that the rate on petroleum from Chicago to New Orleans is lower than the rate on linseed oil, while the

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rate on petroleum from Cleveland to New Orleans is higher than the rate on linseed oil, and intimates that the Commission wants this power so as to raise the rate on petroleum from Chicago to New Orleans, to the end that Cleveland may be put on the same footing. The law, as it stands at present, affords ample opportunity to remedy any injury which may result in any quarter from any improper adjustment of the rates referred to; it prohibits any undue or unreasonable preference or advantage to any particular description of traffic or the subjecting of any particular description of traffic to any undue or unreasonable prejudice or disadvantage. Therefore, if the rate on petroleum from Chicago to New Orleans ought to be no lower than the rate on linseed oil and other articles of the same class from Chicago to New Orleans, the Commission can readily correct that inequality. On the other hand, if the rate on petroleum from Cleveland to New Orleans ought to be no higher than the rate on linseed oil and other similar commodities from Cleveland to New Orleans, then the Commission can correct that inequality. If, however, the Chicago-New Orleans railroads give Chicago a favorable rate, and do not thereby discriminate against any other place on their lines, or any other description of traffic, it would be an unwarranted interference for the Commission to increase that rate (with the result of a proportionate increase in the rate from other points on the same line to New Orleans), simply because some other railroad in some other part of the country charges a higher rate on the same commodity.

But are the powers asked by the Commission needed to prevent excessive rates? It will be admitted that no radical and dangerous innovations should be made to correct an evil unless it is a serious evil. The fact is, however, that the evil of excessive rates in this country, considered in and of themselves, is not only not serious, but it has practically no existence whatever. Rates in general here are on an extremely low basis, and, if any rates are too high, they are out of line with the general rate adjustment, and, therefore, can be speedily corrected as unjust discriminations. Almost without exception, complaints as to rates are based on the idea, not that they are unjust and unreasonable in and of themselves, but that they are too high as compared with other rates on the same road. In a hearing before the Senate Committee on Interstate Commerce, on March 18, 1898, Mr.

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Martin H. Knapp, Chairman of the Interstate Commerce Commission, stated that "the question of excessive rates, that is to say, railroad charges which in and of themselves are extortionate, is pretty nearly an obsolete question." It would certainly be an act of folly to revolutionize the Interstate Commerce Commission, and change it from a useful auxiliary tribunal into an institution with almost unlimited power over the railroads and over the commerce of the country, in order to remedy something which the Chairman of that Commission admits is practically obsolete.

Of course, it is possible to pick out particular instances of complaints as to excessive rates, but those complaints involve also the idea of an unjust discrimination between localities, and if there is really any foundation for them, they are susceptible of correction on that basis. The very complaint selected by Mr. Prouty as an illustration, the one as to grain rates from Sioux City to Chicago, charges that the rates in question are unjust discriminations in favor of other localities, and in favor of other descriptions of traffic; being so, they can be corrected under the law as it stands. Moreover, the mere possibility of such complaints, or even occasional instances, cannot be any excuse for a radical innovation in the Interstate Commerce Act. Such instances existed when the Interstate Commerce Act was passed certainly to as great an extent as now, but that fact was not deemed sufficient to justify making the machinery for their correction the great central feature of the law.

Mr. Prouty himself emphasizes the fact that if excessive rates exist they amount to unjust discriminations; for he says that while many rates are too low, others are too high, and that one individual is making good the loss incurred by the railway in the service of some other individual. Such a case is a clear case of unjust discrimination or undue preference, and the present law affords ample opportunity for its correction. Mr. Prouty, however, falls into the very peculiar error of supposing that railways engage in transportation to or from competitive points at an actual loss. Railways never engage in transportation which they know, or have reasonable ground to believe, entails loss. It is true they frequently transport competitive traffic at very much less than non-competitive traffic, but this is done simply on the ground that the railway has to be maintained, in any event, for the transportation of the non-competitive traffic; so that the ex-

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pense will be virtually the same whether the competitive traffic is hauled or not, and, therefore, any earnings from competitive traffic will be so much additional help toward paying the expenses which must be incurred in any case. The competition which the railway cannot control merely compels the carriage of the competitive traffic to be done at the low rate, or not at all.

Mr. Prouty points out that some court has held that the published rate is presumptively a reasonable rate, and that the shipper cannot maintain an action to recover any part of that rate which he has paid, and hence he deduces the conclusion that as the law stands to-day there is absolutely no remedy for the exaction of an unreasonable freight charge. Theoretically, a right of action has always existed at common law in all the States of this Union to recover such portion of the carrier's rate as was in excess of a just and reasonable compensation for the service, and in none of those States has it been held that a recovery is precluded by the fact that the rate charged was duly published; yet, in all the reports of all the courts of this country, there can be found hardly a case seeking to enforce that common law right.

In answer to the argument that the power is a tremendous one, and, therefore, should not be vested in any tribunal, Mr. Prouty inquiries: "Shall a wrong be unrighted because it is a great wrong? When an individual or an industry or a locality finds itself in the tightening coils of a railway corporation, shall there be no relief?" The point is, however, that the wrong which alone this great rate-making power could be intended to correct, instead of being a great wrong, is, as a practical matter, no wrong at all, because excessive rates in and of themselves are practically obsolete at this day. If an individual, or an industry, or a locality should be so unfortunate as to find himself or itself in the tightening coils of a railway corporation, the present law affords ample relief for that distressing situation. Mr. Prouty seems to be under the impression that it is the business of railway companies to strangle industrial activity; in other words, that railways, whose very existence depends upon industrial prosperity, are constantly engaged in the suicidal act of destroying that prosperity.

The railroad system of transportation in the territory roughly described as south of the Ohio and Potomac, and east of the Mississippi rivers, may be said to have been created, so far as interstate traffic is concerned, since the close of the Civil War. It is

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a territory surrounded and penetrated by water transportation lines. The difficulties in adjusting the rates of transportation, under the conditions that have existed, have been exceedingly great. Much time and labor have been devoted to the securing of a proper adjustment, with, it is believed, reasonable success. Manufacturing has been developed, and with great rapidity, during the last twelve or fifteen years. Manufactories of cotton fabrics are increasing rapidly and in successful operation. The production of coal and iron, also, has been largely increased. The manufacture of steel, on a large scale, is about to be inaugurated. That development could not have been secured if the Interstate Commerce Commission during all that period had enjoyed the position, which it now seeks to obtain, of Traffic Manager and Commercial Arbiter, and had acted on the principles which it has persistently tried to force on the carriers of that section.

It is pertinent to inquire whether the Interstate Commerce Commission, charged as it already is with multifarious duties, will be able to grasp all the countless details pertaining to the infinite variety of traffic passing over 180,000 miles of railroad in the United States.

In this connection, the oft-quoted opinion of the Commission, delivered soon after its formation by its then Chairman, Judge Cooley, in discussing the impracticability of determining in advance when railroads should and should not charge more for a short than for a long haûl, becomes interesting:

"The Commission would, in effect, be required to act as rate-maker for all the roads, and compelled to adjust the tariffs so as to meet the exigencies of business, while at the same time endeavoring to protect the relative rights and equities of rival carriers and rival localities. This in any considerable State would be an enormous task. In a country so large as ours, and with so vast a mileage of roads, it would be superhuman. A construction of the statute which should require its performance would render the due administration of the law altogether impracticable; and that fact tends strongly to show that such a construction could not have been intended."

It is contended by Mr. Prouty that, in the popular apprehension, the Commission always possessed the power which it now demands. Although the Commission's demands have already resulted in widespread discussion in the journals of the day, and will undoubtedly create prolonged and interesting debates in Congress, one may read from one end to the other of the long debates upon the subject of the regulation of interstate commerce preceding the enactment of the Interstate Commerce Law, and find

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scarcely a reference to this rate-making power which the Commission now insists it was always understood to have. The debates on the subject in the 48th and 49th Congresses cover over 2,000 pages. The portion of the debates reasonably relating to the subject of rate-making could all be put within the limits of 30 pages, and the scattering references to the subject in the debates show that, almost without exception, all the Senators and Representatives who referred to that point understood that the bill conferred no rate-making powers. Congress had no thought of conferring upon the Commission the power to fix rates, and no bill conferring that power could have been passed.

The Select Committee of the Senate declared the fixing of rates by legislation to be impracticable, and added:

"Those who have asked the adoption of this plan of regulation have suggested the establishing of rates by a commission; but it is questionable whether a commission or any similar body of men could successfully perform a work of such magnitude, involving, as it would, infinite labor and investigation, exact knowledge as to thousands of details, and the adjustment of a vast variety of conflicting interests."

The Commission, in 1887, declined in a certain case to fix rates, saying:

"It is, therefore, impossible to fix them in this case, even if the Commission had the power to make rates generally, which it has not. Its power, in respect to rates, is to determine whether those which the roads impose are, for any reason, in conflict with the statute."

Afterward, however, the Commission changed its mind, and, in the Chicago and Cincinnati Freight Bureau cases above referred to, it made an attempt "to make rates generally," and it now insists that it always claimed, and that practically everybody admitted, that it had the power which it sought to exercise in the latter cases.

In 1889, Judge Jackson declared that it was unnecessary to discuss the power of Congress over the subject of interstate rates, "because the existing law does not undertake to prescribe anything more upon the subject than that they shall be reasonable and just."

Mr. Prouty erroneously says that the carriers suggested no doubt as to the powers of the Commission in these respects for the first six years of its existence. In 1891, the Commission's right to make rates was distinctly challenged in an answer filed in court by the Lehigh Valley Railroad Co., setting up expressly as a defense that the Commission had no power to make rates.

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In the latter part of 1892, or early in 1893, the right of the Commission to make rates was raised in a case in the United States Circuit Court in Georgia. The point was made in the same case when it got to the Supreme Court, and was decided against the Commission. There was not, therefore, the prolonged and general acquiescence which the Commission would indicate in its assumption of power to make rates for the railroads.

Moreover, an acquiescence in a comparatively modest usurpation of authority can have no bearing when a much more glaring usurpation is made. Although at first the Commission's ventures in rate-making were what might be termed comparatively modest, the encroachment gradually but steadily increased. The Commission's first experiment in rate making was in 1887; the change of a single rate on a single commodity (the rate on wheat from Walla Walla, in Washington Territory, to Portland, Oregon), after an elaborate and painstaking investigation. It was a long step from this act to its act in 1891, when, admittedly without thorough investigation and upon the examination of a single witness, the Commission made a very material reduction in the rates on several hundred commodities from Cincinnati to Atlanta, and reduced those rates to a point even lower than that witness said was reasonable. The courts declined to enforce this ill-considered action of the Commission. It was still another long step to the Commission's action in 1894, whereby it made most material changes in rates on several thousands of commodities from Chicago and Cincinnati to eight important cities in four of the principal Southern States, thereby rendering imperative a complete readjustment in practically all the rates on south-bound traffic in all the territory east of, and in a portion of the territory west of, the Mississippi River. This action, likewise, the courts declined to enforce, holding that the Commission had no such power.

The mere fact, therefore, that the commerce of the country was not dried up nor its energies prostrated by the exercise of the rate-making power by the Commission during the first few years of its existence, is not, as Mr. Prouty seems to think, a guarantee that no evils will result from granting practically unlimited rate-making power to the Commission. From comparatively small beginnings, the Commission was just getting well started in indiscriminate rate-making when checked by the courts, and, consequently, serious evils were averted.

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One of the powers now demanded, which is especially dangerous to the commerce of the country, is the power to prescribe minimum rates so as to carry out the Commission's views as to the comparative commercial and industrial advantages which places ought to enjoy. This plan of constituting the Commission the arbiter of commerce, so that it can decide what cities in this country are entitled to advantage over other cities, and enforce those decisions by increasing the rates to the cities now having the lowest rates, is something new.

Another power, which even now the Commission does not claim it ever had, or was ever thought to have, and which would be a complete revolution in the system devised by Congress, is the power to render decrees which can take effect without any resort to the courts. Mr. Prouty refrains from emphasizing this demand, although it has been as vigorously assailed as any other.

The Interstate Commerce act clearly shows that it was not intended to give to the Commission any independent power whatever. It was evidently designed as a tribunal to assist in the enforcement of the law, by conducting investigations and rendering findings which would constitute a *prima facie* case, upon which findings the complainant could go into court, or the Interstate Commerce Commission itself for the complainant could go into court, and seek the enforcement of the law.

The Select Committee of the Senate, in its report above referred to, said of the Commission:

"It is designed and believed to be a valuable auxiliary agency in facilitating and securing the enforcement of whatever regulations may be prescribed by Congress. . . . Unless the commission itself be constituted a court, which the Committee does not consider expedient, the final determination of all contested proceedings instituted under any laws that may be passed by Congress must rest with the courts of the United States."

The debates in Congress show that the Commission's advocates thus understood its functions.

In 1889 the United States Circuit Court, through Judge Jackson, said:

"Without reviewing in detail the provisions of the law, we are clearly of the opinion that the Commission is vested with only administrative powers of supervision and investigation, which fall far short of making the board a court, or its action judicial in the proper sense of the term. The Commission hears, investigates and reports upon complaints made before them involving violations of or omissions of duty under the act; but subsequent judicial proceedings are contemplated and provided for, as the remedy for the enforcement, either by itself or the party interested, of its order or re-

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port in all cases where the party complained of or against whom its decision is rendered does not yield voluntary obedience thereto."

So, in this respect also, an absolute reversal of the system is now proposed. Instead of continuing as an auxiliary to the law and the courts, without any independent powers, the plan is to make the Commission the great central feature of traffic regulation, with vast original powers. The Commission is to make its orders, prescribing maximum and minimum rates, classifications, and so forth, and all those orders are to take effect without any resort to any judicial tribunal for their consideration and enforcement. The only qualification is that the carrier may within thirty days take the matter into court for relief; but even then, unless the court can say, upon an inspection of the record, that it plainly appears that the order proceeds upon some error of law, or is unjust or unreasonable on the facts, it cannot suspend the operation of the order pending the review. If the court wants further light on the facts, it can only obtain it by sending the case back to the Commission for further investigation. The power of review will likely prove to be of a very restricted character. The question, What is a reasonable rate ? is essentially a question of fact, depending on an infinite variety of details, from which different conclusions can be drawn. Since the Commission will be the tribunal set apart for the primary determination of these facts, the courts, upon well-settled principles, will be disinclined to overturn the findings of the Commission, unless they are palpably against the evidence, and in cases where the evidence is of such intangible character, it will be very difficult to convince the courts that the findings of the Commission are palpably against the evidence, and, therefore, the Commission's power will be practically unlimited, save by the constitutional limitation resting upon all railroad commissions, that their rates shall not be confiscatory in character.

It is especially inappropriate to allow the Commission to issue self-executing decrees, in view of the varied and incompatible functions which the Commission exercises. With such power given to its decrees, the Commission, with a jurisdiction extending over the entire area of this country, and with the unlimited power of interference in the most vital concerns, not only of the railroads, but of the commercial and industrial interests of the country, would have far greater powers than any court of original jur-

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isdiction in this country, and it should, therefore, be as carefully constituted as any court. To exercise such powers, it should certainly be charged with no duties which would tend, even in the slightest degree, to impair the judicial temper of the tribunal. Yet the Commission supervises various details in railway operations and railway accounting. It has inquisitorial powers to detect violations of the law, and may cause prosecutions to be instituted to punish such violations. It may institute on its own motion, and in its own name, complaints before itself, and it may then proceed to hear and determine them. Thus, not only is the Commission in some respects a sort of railway superintendent and chief railway accountant, but it may in the same matter be detective, prosecutor, plaintiff and court. To ask that its determinations, made under such circumstances, shall take effect without the necessity of any resort to any really judicial tribunal for their enforcement, is nothing short of preposterous.

The conclusion is irresistibly forced upon the mind of any impartial student of the situation that the magnitude of the powers demanded cannot be exaggerated, that they are absolutely unwarranted, and that to grant them would give the Commission the most dangerous power of interference with the commerce of the country.

Mr. Prouty, in concluding his remarks, makes an unfair and misleading use of a portion of my testimony before the Commission. It is impracticable to set out in full all of the testimony bearing on the point in question. That testimony was delivered upon a hearing before the Commission on petitions by the railroads for extensions of time within which to comply with the provisions of the Act of March 2, 1893, requiring interstate carriers to equip their cars with automatic couplers and air brakes. Among the reasons in support of the Louisville & Nashville Railroad Company's petition, I had assigned the financial depression that had existed for several years, and also expressed apprehension as to future earnings on account of prospective legislation which might be detrimental. The Commission seized upon this as an opportunity to interrogate me at large upon the general traffic situation, and to elicit my views relative to giving the Commission the power to make rates. In response to these inquiries, I expressed the opinion that the people of the country and the carriers were getting along well, and could and did

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adjust these matters to their mutual satisfaction. Commissioner Prouty submitted a supposed case of an unreasonable rate on the Louisville & Nashville Railroad. I insisted that there were no unreasonable rates on that road; that all of the rates were within the charter limits of the corporation and very much less, probably one-half, and in some instances not twenty-five per cent., of such charter rates, which the Legislature had fixed upon as reasonable and fair; that the fact that the rates were, perhaps, one-third of what they were originally, and one-tenth of what it would cost the shipper if he did not have the railroad, was evidence of the reasonableness of the rate, and it was necessarily to the interest of the company to keep rates reasonable, in order to retain and develop traffic. I admitted the propriety of the law prohibiting unjust discrimination, but reiterated that the rate-making power ought not to be invested in the Commission because, practically, there were no unreasonable rates, and that the mere possibility of the existence of an unreasonable rate was no reason for turning over to the Commission the making of rates for the railroads, unless governmental paternalism was to be extended over everybody for protection from possible injustice.

This very investigation emphasized in a striking way what seems to me to be the complete lack of judicial temper on the part of the Commission. The Commission was sitting for the purpose of discharging a highly important and responsible statutory duty relating to automatic couplers and air brakes; yet the minds of the Commission were so bent upon obtaining greater power, that they could not resist the temptation to branch off into a lengthy discussion on that topic, which had no possible relation to the subject upon which they were engaged. Four members of the Commission took part in this discussion, stating in the form of questions every argument which they could conceive to sustain the propriety of their demands. It may be doubted whether a tribunal, incapable under such circumstances of adhering to the serious work before it, and indulging instead in lengthy argument with a witness, on the policy of extensive legislation desired by the tribunal on an entirely different matter, can safely be made the repository of the almost unlimited powers which are now sought.

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THEOLOGY AND INSANITY.

BY JOHN H. GIRDNER, M.D.

A SHORT time ago the Bishop of Rochester delivered a lecture to the students of St. Thomas' Hospital, London, on the subject of religion and insanity. The bishop was at great pains to combat and disprove the popular idea that religion is, or has been in the past, one of the principal exciting causes of insanity. He declared, among other things, that "religion is a force which makes for sanity."

Everyone who has had experience in the care and treatment of the insane, and who is familiar with the history of this branch of medical science, will agree with the bishop that the true religion of kindness, sympathy and love, as taught by Christ, is a powerful force, which makes always for mental peace and sanity. The beautiful and simple accounts in the New Testament of the so-called casting out of devils, illustrate the power by which Jesus of Nazareth soothed perturbed minds by His presence, and quelled outbursts of disordered brains by His words.

There is, however, as the bishop intimates, an opinion abroad that religion has in some way been an important factor in dethroning human reason; and the expressions, "religious mania" and "religious insanity" are met with sufficiently often throughout all literature to justify the prevalence of this idea. But a careful study of the history of mental diseases amply proves that not the religion of Christ, but the theologies of man, have caused so many minds to give way and develop settled delusions and hallucinations of a so-called religious type. The Christian religion has been charged with producing insanity, because of the very common mistake of confounding the two very dissimilar terms, viz., religion and theology.

The doctrine of diabolical agency in mental diseases is to be

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found in all the sacred literatures of the Orient, especially in Persian theology, where the idea is most fully developed; and, as taught by the heathen nations around them, it had its full effect on the Jewish writers. Hence, we find it firmly established in the Old Testament. The same theory of direct Satanic influence or possession passed on into the New Testament.

The miracles of healing which were performed by the Master and His Apostles, seem to indicate that it was the custom to diagnose those cases of disease which presented no pathological changes in the body appreciable by the senses as cases of possession by one or more devils, or evil spirits or unclean spirits; and the act of restoring them to health was viewed as a casting out of these spirits. In this group was naturally included most diseases of the brain and of the nervous system; for these are either functional—that is, they have no morbid anatomy at all—or the changes are only to be detected after death and by microscopic examination.

On the other hand, those cases whose diseases could be diagnosed by the symptoms they presented, or by the pathological changes in some portion of the body that were apparent to the senses, were said to be sick, the diagnosis was given by simply naming the disease, and the act of restoration to health in such cases was called healing. Luke was a physician, and presumably knew more about the nature of the diseases of those who applied to the Master and His disciples than any of the twelve. The first miracle of healing recorded in the Gospel by Luke is the case of the leper.

"Behold a man full of leprosy; who, seeing Jesus, fell on his face, and besought Him, saying, 'Lord, if thou wilt, thou canst make me clean.'

"And He put forth His hand, and touched him, saying, 'I will: be thou clean.' And immediately the leprosy departed from him."*

Luke diagnoses this case as leprosy, a common disease in Palestine, and one with which we are familiar in these days. The account of this miracle emphasizes the influence which the doctrines and theories of the Old Testament had upon the New. Moses taught that leprosy was uncleanness, and, according to his law, lepers were unclean persons and had to reside outside the camp of Israel. The Mosaic classification of leprosy is accepted by the patient, in this case, for he asks to be made clean. And the

*Luke, v., 12-13.

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Saviour Himself seems to fall into the custom, for He says: "I will; be thou clean." In other places in the New Testament leprosy is referred to as a spirit of uncleanness.

The second miracle of healing recorded by Luke is more directly applicable to our subject.

"And, behold, men brought in a bed a man which was taken with a palsy; and they sought means to bring him in, and to lay him before Him.

"And when they could not find by what way they might bring him in because of the multitude, they went upon the house top, and let him down through the tiling with his couch into the midst before Jesus."*

After some discussion with those present, Jesus said to the patient with palsy: "Arise, and take up thy couch, and go unto thine house." And the man did as he was told. Here we have the diagnosis of palsy. Now palsy is paralysis, complete or partial, of some portion of the muscular system, due always to disease or injury of the brain or nervous system. In this case the disease or injury to the brain or nervous system was of such a nature and location that it affected only the nerves of motion, and rendered it impossible for the man to walk. This was not a case of possession by a devil or evil spirit; it was a simple case of palsy, as all could see. Suppose the disease or injury to the brain or nervous system had been of such a character, or so located, as to have caused convulsions or mental derangement, without any physical signs which Luke could see with his naked eye; by all precedent, his case would have been regarded as one of possession by devils or evil spirits, and his restoration by the Master would have been recorded as the casting out of these devils.

Again, we read in the fourteenth chapter of Luke's Gospel of a man who came to Jesus, "who had the dropsy" "and he took him and healed him." To say a man has dropsy conveys little information of his condition, as dropsy is only a symptom and may be caused by a number of diseased conditions. And so we might continue accumulating facts showing how little accurate information is to be obtained from the Gospels of the ailments of those who were restored to mental and physical health by the Saviour while he dwelt among men in the flesh.

The Apostolic Church firmly believed that all forms of insanity, epilepsy, hysteria and catalepsy were not diseases at all,

* Luke, v., 18-19.

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but cases in which the devil or his imps had taken possession of the individual, with or without the individual's consent. And their bodies having become a tabernacle for the devil, they were ostracised by society and the church. Not only were these unfortunates who suffered from mental and nervous diseases ostracised, but the church went further, and attempted to cast out the indwelling demon by all manner of physical punishment and tortures.

As theology became more firmly established and supported by governmental power, "the possessed" were more and more severely dealt with; and the doctrine that cruelty to madmen was punishment of the devil dwelling within, became more widely disseminated and believed. Nor did any relief come to these unfortunates as a result of the Reformation. Martin Luther, Calvin, and the other leaders of the new theology were, if anything, more pronounced in their persecution of these "devils incarnate" than the Church of Rome had been.

No effectual check was put to the theological doctrine of diabolical possession of the insane and those suffering from kindred diseases of the nervous system, until about the middle of the eighteenth century. A declaration was passed by the Parliament of Paris in 1768 that possessed persons were to be considered as simply diseased. And as the power of the governments of Christian nations was withdrawn from the support and enforcement of the theological doctrine of diabolical possession, medical science, enlightened by the spirit of truth, gradually demonstrated, beyond the shadow of a doubt, that insanity and all such affections were the result of natural diseases or injuries of the brain and nervous system, and that persons so afflicted were entitled to the same treatment as though they suffered from disease of the heart, lungs, or any other organ of the physical body.

But the battle for the insane was not yet won. It is true that theology retired from the field, tacitly at least admitting the error of its former position.

But mystery and superstition still surrounded the insane. They were no longer exorcised and punished as devils, but their misfortunes now took the form of neglect. An insane person was far from being considered a simply sick person by his friends and the public generally.

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As time passed, public and private charities became more numerous and more lavish in their expenditures for the establishment of hospitals and infirmaries for the care and treatment of the poor suffering from every kind of disease, except those diseases of the brain known as insanity. From the time when the theory of diabolical possession ceased to hold sway, up to within the past few decades, the destitute insane were as a rule turned over to the tender mercies of the county jailer. They were imprisoned in filthy cells, often in chains, and in the matter of food and general attention treated far worse than if they had been wild beasts. This was not the universal custom, for very soon after insanity was admitted to be a disease some states and nations provided asylums for their pauper insane. But even these were far from what they should have been or what lunatic asylums are to-day. Indeed, the history of insanity during this period furnishes chapters of neglect and cruelty almost as shocking as are to be found in the annals of the period when the theological doctrine of diabolical possession prevailed.

Insanity is now recognized as a disease which is the result of some functional or organic disturbance of the brain, or of some injury or malformation of that organ. Be it said to the everlasting credit of medical science that it has rescued the whole subject of the diseases of the brain and nervous system from the region of myth and superstition, and placed it on a scientific plane along with the other diseases and injuries to which human flesh is heir. The old lunatic asylums, and the filthy cells of the county jails with all their horrors, where the victims of dethroned reason used to be confined and tortured, have been abolished, and in their place we now have the modern hospital for the insane. And it stands on the same footing in every respect as a hospital for diseases of the eye and ear, or any other medical specialty. It was not the churches, but medical science, inspired by a desire to benefit mankind, which taught the world that the insane are our brothers still, and that to them is due the same Christian charity and care as to any others in distress.

The evil effects of the doctrine of diabolical possession did not end in cruelty to those already insane. The horror and fear of becoming possessed which it roused in the minds of the sane, could not fail to make it a potent cause of insanity. Fear of disease always weakens the power of resisting it.

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There were also other dogmas in the creeds of the various Christian denominations which were very far from tending toward mental serenity and to internal peace. In the centuries gone by, when men's minds were dominated by theological creeds, when such doctrines as predestination, eternal punishment, sins that were unpardonable, were preached and enforced, if need be, by fire and sword, it is no wonder that the prevailing form of insanity was of the spiritual type. The retreats and asylums for insane up to a comparatively recent date contained many inmates possessed of settled delusions which were the result of fear and of brooding over the welfare of their souls here and hereafter in the light of the theological doctrines then preached and enforced. Many imagined that they had committed the unpardonable sin, and that the Spirit had ceased to strive with them, and that they were thus hopelessly doomed to eternal damnation. Others imagined that they were predestined from birth to eternal punishment. Others again had hallucinations of sight and hearing, and could see Satan and his imps actually in the flesh, in daily attendance upon them, restraining each Christian act, and stifling each prayer for deliverance; and at night they were kept awake by the conversations of evil spirits. These are only a few specimens of the kind of imaginings which possessed the minds of those who were said to be "crazy on religion," but who were as a matter of fact insane as a result of theology. Let it be repeated; it was never the sweet Gospel of peace and forgiveness taught by the Saviour which dethroned reason, but the creeds and dogmas of men. William Cowper, the poet, is a signal example of so-called religious insanity. Under the tutelage of the Rev. John Newton, his life became an almost endless round of devotional exercises and brooding over theological questions which finally dethroned his reason. His delusion was that he had been rejected of heaven; he ceased to pray and discontinued all religious exercises as one hopelessly doomed. The eminent divine, Mr. Newton, with deplorable consistency treated Cowper's disease as a diabolical visitation and abstained from calling in a physician. If this impressionable poet could have accepted the Gospel of peace and love, taught by the Saviour, and discarded the theology of the Rev. John Newton, there is reason to believe that history would not have to record the name of this brilliant genius

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in the list of those who fell victims to the so-called religious insanity of that time.

It is a mistake, however, to suppose that mental diseases have decreased as a result of comparative freedom from the theological thralldom of the past. Freedom of thought in matters of religion has changed the character of the delusions and hallucinations of the insane. Insanity keeps pace with the changes in human development, and the character of the delusions and hallucinations of the insane at any time is a reflex of the interests which are then uppermost in men's minds. We now seldom find the spiritual type of insanity among the inmates of hospitals for the insane. As doctrinal discussions have ceased to interest the masses, theology has ceased to be a cause of insanity. This is an age of material development, of making things and having things. Men are much concerned with the problem of amassing treasure here; that, with the long line of social questions which belong to it, is now uppermost in their minds, and these material problems are the ones pressing hardest for solution. Hence it is that the prevailing character of the delusions and hallucinations of the insane are now of a material type.

The struggle for existence, modern inventions, steam and electricity, and the mad rush for wealth, result in ever increasing demands upon the brain and nervous system. And under this strain, many who have congenital or acquired defective nervous organizations become insane, just as the same class formerly did as a result of fear and brooding over theological problems.

The insane are not now tormented by the devil and his imps, but telephones and phonographs are continually ringing in their ears. Others suppose they have steam engines in their heads, and many imagine they are persecuted by men of large fortunes or of great political power. Formerly those who were afflicted with delusions of grandeur were prone to imagine themselves to be the Saviour of the world, or the Virgin Mary or some eminent saint. Now they are more apt to think themselves to be great inventors or powerful politicians, or the possessors of untold wealth. As already intimated, the delusions of the insane always take their form and color from the questions and problems which are most absorbing at the time.

JOHN H. GIRDNER.

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UNIFORMITY OF STATE LAWS.

BY LEWIS N. DEMBITZ.

In 1856 the German "Bund" (Confederation) was a much looser aggregation of the German States than the American Union under the old Articles of Confederation. But the business men of all Germany felt the inconvenience of the great diversity of the laws among their thirty odd kingdoms, grand and small duchies, principalities and free cities, on all subjects of trade and business. Austria and Prussia were then the leading German powers; the former had most of its provinces outside, the latter over three-fourths of them inside, of the German Bund. Prussia, the strongest and wealthiest of the truly German States, was itself, as to its general and commercial laws, divided into three zones: the eastern being governed by a code adopted in 1792, known as the "Landrecht;" some small districts to the west thereof, acquired in 1815, had retained the "Gemeine Recht," that is, the imperial Roman law, as gradually adapted to modern use; while the lands along the Rhine adhered to the Code Napoleon, which had been introduced there during the French domination. Like conditions prevailed in some of the other States, in which the smaller districts, conglomerated at the recasting of boundaries in 1803, enjoyed each its own system of laws. Now, though such diversity may work tolerably when it affects the laws regarding the tenure, the conveyance or the descent of land, it soon becomes intolerable, in a commercial age, when it affects the laws of trade and commerce in communities bound to each other by railroads and telegraph wires, and depending on one another by the daily exchange of articles of food and wear, of machinery and raw material, and dealing together without regard to state lines, past or present.

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And so, under a resolution of the Frankfort Diet, a mere gathering of ambassadors from the sovereign States of the "Bund," a board of commissioners appointed by most (not all) of the several kingdoms, duchies and cities, met at Nuremberg to elaborate a German Code of Commerce. The commissioners adjourned later on to Hamburg, to draw from its sea air the proper inspiration for the marine chapters of commercial law. After five years' labors, in 1861, the Code was completed; it was then laid before the legislative bodies of the different States. The Prussian Landtag adopted it by a unanimous vote in the House of Deputies, and with only one dissent in the House of Lords. Nearly all the law-making bodies of the other German States promptly followed in Prussia's lead. A uniform law on bills and notes had been framed by a conference and adopted by the separate States somewhat earlier, and with much less loss of time or friction.

It was thus shown that, where the need exists, communities almost wholly independent of each other, but connected by the bonds of trade and of a common race and speech, can be gotten to adopt uniform laws.

A need for a greater uniformity of law is felt among the people of the several American States, similar to the necessity which forty years ago led the governments and parliaments of the sovereign States in Germany first into conferences at which a common "Wechselrecht" (law of negotiable paper), and a common "Handelsrecht" (commercial law) were worked out, and lastly to the adoption by each State separately of the laws recommended by the conferences. It is true that the American Constitution intrusts Congress with power to legislate at its own will for the whole country upon everything that pertains to the high seas, to copyrights and patents, and to travel and transportation beween one State and another, or between our own country and foreign nations. It is highly proper, in the interest of human freedom, that the several States alone have the power to pass laws on other matters of private right; that each community can carry into effect its own views as to what is fair or humane, and what is against good manners and public policy; and there is no desire among right-minded men that the field of Congressional jurisdiction should be widened, or that the field of State legislation should be narrowed. But undoubtedly there are many

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subjects on which the laws of the several States differ from each other, either broadly, or in some slight detail, to the great detriment and inconvenience of those whose business interests outrun their immediate State lines; and these differences are in most cases accidental; that is, they do not flow from a difference in sentiment or in policy. If New Hampshire permits the insolvent debtor to retain a homestead of only five hundred dollars in value, while Texas allows him to keep a homestead worth more than five thousand, not only as against ordinary creditors, but even against the man to whom he and his wife have freely and voluntarily mortgaged it, the difference springs from the diverging sentiments which an old and staid community, and those which a young and roving population entertains about the sacredness of contracts on the one hand, and about wide elbow room and freedom from care on the other. On such a subject it is not likely that either State would yield its policy even in part, so as to meet on common ground for the sake of uniformity. But if Georgia and six other States require the attestation of three witnesses to a will, while thirty-seven other States are satisfied with the signatures of two witnesses, and Pennsylvania requires no attestation at all; or again, if many of our States allow three days of grace on a matured bill of exchange, while in other States "grace" is done away with, and a bill or note must be paid on the day named, there is no sentiment at the bottom of all this, no question of good policy. One law on these subjects is pretty much as good as the other, but the co-existence of both laws often leads to a failure of justice. A testator owning lands in Georgia makes his will in Ohio, before two witnesses, and the devisee of the Georgia lands is thrown out. Again, in the matter of divorce, the policy of the several States as to causes for untying the knot differs greatly, varying from no full divorce from any cause whatever in South Carolina, to eight or more causes in the Northwest, providing for every conceivable case in which husband and wife cannot agree. This is all right; it is the very object of State independence that each community shall determine such questions for itself; but there is no reason why the plaintiff's "domicile" in the State in which suit is brought, without any named length of residence, should be deemed sufficient in Virginia, while a residence of six months is required, in a few other States, and of even two years elsewhere.

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A movement similar to that which within a few years led to one common code on commercial paper, and another common code on commerce in all its branches, for the then disunited States of Germany, was begun in the United States in 1888, mainly upon the impulse given by F. Jesup Stimpson's painstaking compilation of "Constitutions and Statutes" of the American States, a book which set the needless divergence of their statutes forth in a glaring light. A bill was introduced in the New York Legislature in that year, again in 1889, and again in 1890, under which a board of three commissioners was appointed, together with a salaried secretary, the members of the board to meet in conference with commissioners from other States. Massachusetts, Pennsylvania, Michigan, Delaware, New Jersey and Georgia also appointed commissioners in the course of the following year and made small appropriations toward defraying the cost of the conferences. The movement has been kept up, eight meetings having been held in the seven years from 1892 to 1898, two of them in the first named year; and it has greatly widened, for as many as thirty-one States have been represented on these several occasions, though never all of them at the same time. The sessions of these conferences have always been held near the time when the American Bar Association met, generally on the two days preceding its assemblage. In one respect this has been a help, for commissioners who received neither mileage nor *per diem* thus found an incentive for traveling from their homes to the place of meeting, and the Bar Association used the great weight of its influence to further the cause. But in other respects this companionship in time and space has been unfortunate. In the first place, an effort is made to force all the business of the yearly meeting into the limits of scant two days, which is, of course, entirely too short a time, though the bills which are to be discussed have been prepared elsewhere. In the second place, the whole movement is overshadowed by its more widely known associate; the conference, though sitting under appointments from the several State governments, and thus an official body, appears to the general public, and even to the great body of American lawyers, as a branch or committee of the American Bar Association. The writer of these pages first learned about the movement in 1896, when five or six of the conferences had already met. Not only was Kentucky, his own State, unrepresented, but neither

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her Governor nor her leading lawyers or politicians knew anything about it. The other two lawyers whom our Governor appointed, along with the writer, as commissioners from his State, though men in large practice, and of well-known public spirit, first heard of this movement, that had been in progress for over seven years, when the appointments were offered to them. When I came to Saratoga on the 15th of August, 1898, having mislaid my copy of the printed notice sent out to members, I had to ask more than a dozen lawyers, hotel clerks, public officers, etc., before I hit upon one man who could direct me to the place of meeting. In short, the whole work has thus far been carried on, so to say, in a dark corner.

Yet, even thus, there have been some notable results. The foremost among these is the elaboration of a bill "relating to negotiable instruments," covering the whole "law merchant" in all details in one hundred and ninety-eight sections. This was agreed upon at the meeting of the commissioners in 1896, and was transmitted by them to the governors of all the States that were represented or had made appointments, and when the conference met for the eighth time in the course of last summer, we heard the gratifying news that this bill had been enacted into law by the legislatures of seven States (among them New York and Massachusetts), and that it had been passed by the House of Representatives of the United States, as a law to govern commercial paper in the District of Columbia, awaiting only the concurrence of the Senate at the winter session. An important act was adopted at the seventh meeting on the execution and acknowledgment of written instruments. One adopted at the eighth and last meeting deals with the transfer of corporate stock, the latter having been enacted by some of the New England legislatures after it had been elaborated by a committee, but before it had been agreed upon in full conference. Misunderstandings will often occur when the citizens of two States, whose laws differ, either on the conveyance of land, or on the transfer of corporate shares, deal with each other, unless each knows the laws of both States. But this is most likely to happen when the law is the same in both.

To gain an idea of the work which the conferences have cut out for themselves, we need only look at the following list of standing committees, which were appointed in 1896:

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On Commercial Laws, on Wills, on Marriage and Divorce, on Deeds and Other Conveyances, on Certificates to Depositions and Notarial Forms, on Weights and Measures, on State Action as to Presidential Electors, on Hours of Labor in Factories, on Insolvency, on Insurance, on Trading Corporations, on Descent and Distribution.

Some of these subjects, such as factory regulations, do perhaps fall outside of the true province of our organization, as they appeal to feelings, which differ greatly between section and section; if so, lengthened discussions would show a broad divergence even within the conference, and the impracticable subject would soon be dropped.

It might be objected that any labor bestowed on making our State laws more uniform than they now are, would be thrown away because the forty-eight State and Territorial legislatures, and Congress legislating for the Federal District, are constantly busy grinding out new statutes, and would undo our work of unification more quickly than we accomplish it. But just here, I believe, a system of laws made uniform at an expense of long efforts of many men would bear its finest fruits. As soon as the people begin to enjoy the benefits of uniform State laws, the sentiment that uniformity once attained must not be rashly disturbed upon a light motion, or to gratify the whim or the private interests of a State legislator, could be relied on to block the way of reckless, and still more of selfish, innovators.

The laws of all the American States, with the single exception of Louisiana, are derived from the common law of England, and from the acts of Parliament passed by way of amendment of the common law; the laws enacted in the several States since their separation from the mother country have generally been framed on the same lines. Thus, all the States in which the English law preferring the first born son in the descent of land ever prevailed, have enacted new laws establishing equality between the sons and daughters, the brothers and sisters of the decedent; all the States have provided for the recording of deeds and mortgages; all the States have given to the creditor the means of reaching the lands and effects of absent debtors by attachment; all the States have curtailed the power of the husband over the wife's property; nearly all the States have regulated the exercise of "testamentary powers;" nearly all of them have en-

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acted general laws under which private corporations can be formed; all but one of the States allow the grant of absolute divorces, and thus we might go through all the lines along which the framers of new laws have given play to their energies. And what is more, the statutes on all these subjects have generally been moulded upon a very few patterns, either a British act of Parliament or an act first passed by the Legislature of New York, of Virginia, of Massachusetts or of Connecticut. Thus the chapter of the Revised Statutes of New York which deals with "testamentary powers," and the chapter on "Uses and Trusts," have been copied almost literally into the codes of Michigan, Wisconsin, Minnesota, North Dakota and South Dakota; the law marching westward in pretty close touch with the parallel of latitude. Thus the task of those aiming at uniformity is somewhat simplified; they have in many fields of legislation to deal only with four or five groups of States, not with forty-five separate units.

The late war has done much to strengthen the national pan-American feeling of our citizens, North and South, East and West; and thus to lessen the stubbornness with which heretofore the men of one or the other State would in former years cling to some outlandish or fanciful law, just because it was peculiar to that State. While heretofore the benefits of uniform laws might have appealed only to the practical sense of business men, while running counter to sentiments of local pride and of State rights, business reasons and patriotic sentiment may now be found arrayed on the same side. It is only necessary now to bring the importance of this movement home to the lawyers and law givers of the several States, to bring about its speedy success.

We need, first, the steady and active participation of at least thirty-six out of the forty-five States by commissioners appointed under authority of law in each of them. It is not necessary that more than one person should attend from each State.

Secondly, the commissioners, in order to expedite the work, should meet twice in each year, each time for at least three days, and a sufficient sum should be appropriated from some source to pay their travelling and hotel expenses, so as to insure a good attendance. Any greater compensation is unnecessary; it might even be of evil, as it would attract men animated rather by greed for gain than by pride in their profession and love for the public good.

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Third, the conference should also have at its disposal a small fund, out of which to compensate some specialist for drawing up the more elaborate bills which must be drafted. Small appropriations have heretofore been made by some of the States; and it was found possible to set aside the sum of one thousand dollars out of these as an honorarium to the painstaking author of the conference bill on negotiable paper, a gentleman who was not himself one of the State Commissioners.

When we once have thirty-six States represented, we would not have long to wait for the remaining nine. When full meetings are held twice a year, the legislatures of the several States will hear of the proceedings and will heed them; and a very small amount will suffice for all the expenditure; that is, the travelling and hotel expenses of the members, the compensation of law drafters, and the printing of the yearly or half yearly reports.

The sum of fifteen thousand dollars a year would fully meet all these needs, and in about five or six years pretty much of the work which is really desirable could be accomplished. Of course, if the Congress of the United States is willing to take the matter in hand, this sum would be readily placed in the yearly "Sundry Civil Bill." But, if Congress is unwilling to do so much, it might at least, as the legislature for the District of Columbia, direct that three lawyers from that district be named every year by competent authority, that they be paid their expenses, and that a small sum be set aside toward the general fund; and, by doing so, Congress would most strongly recommend similar action to all the States and Territories.

LEWIS N. DEMBITZ.

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CUBAN RECONSTRUCTION.

BY RICHARD J. HINTON.

No one will deny that the problems of Cuban reconstruction are of the most serious character. Nor can the American Government or its people push aside any responsibilities arising therefrom. These must be clearly understood, before we can begin to realize the large results that wait upon a humane and successful solution.

The island of Cuba will support in comfort ten million persons. It has never maintained one-fifth of that number. Its commercial possibilities are even greater, judged by the rules of wealth making only. It has an area of over 28,000,000 acres, estimating therein the islets that form part of its economic area. Not over 6,000,000 have even been scratched by the hands or tools of industry, as plantation, farm, cattle range, timber camp or mine. There are 16,000,000 acres of the finest of timber, holding at least forty varieties of the best of merchantable hardwoods. There are 3,000,000 acres of available rice lands. The timber area may also be used for cattle range purposes. Mineral resources are still virgin, but they are known to be of great value. In Santiago de Cuba $12,000,000 of American capital is invested in mining alone. In the production of all food crops of a marked commercial value, the possibilities of Cuba are limited only by its acreage. It has no capital at command, however. Its people are literally stripped to the bone, and many thousands remain in daily danger of death from very hunger. The Spanish oppressor retires, but his grim cruelties still desolate the island. This may be made clearer by the statement of facts and estimates relating to the present population and its conditions.

The recent loss in life and in the means of existence is

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difficult to present in a few sentences. It has been assumed by pro-Spanish authorities that sixty per cent. of whites and fifteen per cent. of the colored population have died since the civil war began in 1895. This does not consider the losses in Spanish troops, estimated at 125,000. Taking the census of 1887 as a basis, this would involve, outside the troops, a loss of 444,522 white and of 77,050 colored persons. By this estimate, however, the Havanese editors leave the latter more numerous now than the whites. But the total of 521,572 deaths through the reconcentrado policy, within two years, is a terrible indictment. Adding the 200,000 loss on both sides, through the civil conflict, within four years, and the anti-Cuban estimate, reduces the total population by 721,000, at least. The estimates of Cuban authorities as given to the writer in October last, reduce this total to an average loss in the island of thirty-four per cent., or a total of about 640,000 persons.

This loss is much greater in the sugar and tobacco growing sections than in the small crop farm and cattle range areas. But for this fact the whites of Cuba would now be much less in number than the negro and mestizo classes. In Santiago, Puerto Principe, Eastern Santa Clara and Pinar del Rio, the colored inhabitants were, when insurgent operations began, 225,000 against 500,000 whites. In the central provinces the difference was as two whites to one colored. In the first division, the ratio is now about two to one, and in the second the colors and races are nearly equal; a small majority being still found on the side of the whites.

To this state of affairs as to population, add the fact that there is no island money to set business in motion; that food crops are not cultivated to anything like a necessary extent; that seeds, tools, machinery, cattle, and other essentials are lacking. Medical supplies are absent, and the service is therefore as scant. The people cannot get work until food shall give them strength. Women and children especially will perish by the thousands before relief shall alleviate their distress, and the restoration of industry fully rehabilitate Cuban life. This is work for statesmanship. Investment must be made beneficent also.

The difficulties of rehabilitating Cuba are unquestionably of an onerous character. Yet, on the other hand, the very steps we must take in preparing the way for Cuban self-government

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will rapidly both lighten and simplify our own task, and at the same time greatly aid and encourage the Cuban people. That is a reward which comes inevitably when justice is maintained and equity established in politics and economics. It is hardly possible for the average American to comprehend the bleeding processes to which the Spaniards subjected their "ever faithful isle." The facts of history are no more derisive of that grandiloquent falsehood, than the criminal craft of administrative robbery with which the countrymen of Sancho Panza rewarded the alleged fidelity of their colonial victims. The story of the Philippines, when fully made known, will add a huge chapter of the same character, but it will not be so vile, governmentally considered, as that of Cuba. The Asiatic victims have been despoiled most largely by monastic plunderers, but the Cubans have been the open prey for four hundred years of the soldier and the civil official.

The taxation imposed on Cuba for the year 1897 reached a total of $26,359,650. The export and import duties were $14,705,000; the internal taxes were $9,683,150. The remainder was obtained from sales of material and other such sources. A liberal estimate of the cost of government—civil and military—on our part should not exceed $12,000,000 for one year, thus releasing about $15,000,000 of taxation. The return of such a sum to the ordinary channels of activity must greatly quicken all affairs; besides, the lowering and equalization of tariff rates will soon greatly accelerate business effort and enterprise. The estimated millions and more can unquestionably be raised readily by the tariff dues alone. They will not be harshly felt by the people, dealers or consumers, but the advantages gained will be immediately apprehended.

Under our system of local government, also, municipal communities will soon learn how to take care of their own needs and interests. The city of Santiago already illustrates this growth. The taxes that will disappear under our control will be, except for immediate use and improvement, all of the bonded and most of the floating debt. The annual interest laid on Cuba was given in the last budget at $10,435,183. The military and naval establishment, so far as directly laid on Cuba, with pension and retired army lists, and the two bodies of armed police that Spain kept, alone required $11,849,844. These two groups of

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expenditures amounted then to $22,285,027. On the side of the maintenance of order, it is fair to believe that our entire costs will not exceed fifty per cent. of the latter. All sorts of oppressive and plundering taxes and imposts have been the rule in Cuba. Stamps, licenses, fees, real estate, lotteries, and, in fact, every form of fiscal oppression have been in vogue. These will disappear at an early date, and the effect in relief can hardly be imagined. Besides, the revenue we shall be obliged to collect will be more of a help in the subsequent disbursing of it than a burden in its collection. The enlistment and employment of 10,000 to 15,000 Cubans, as naval police, soldiers, constabulary in cities, and as laborers in the public works required by sanitary reform, road building, municipal and rural improvements, will more than offset the revenue required. The lessening of prices in things imported under our uniform and reduced temporary tariff rates will set money in motion. Employment for wages will multiply needs and create the means of payment also. Business men in Cuba all comprehend this, and have naturally grown impatient for the realization of so beneficial a change. The disaffected class will be very small, and altogether recruited from vanishing Spanish official circles.

Cuba is a land of beauty. It captures the senses even while they are shocked with desolation. Its fertility is equal to its beauty. The lush glory of its vegetation will soon cover the scars of death camp, pest hole, fields of fire and slaughter, but time is needed for the harvesting of crops and food. The general light-heartedness of its people is a guarantee of their rapid recovery from the sufferings that now make them still and sombre. Cubans "native and to the manner born" are sober, temperate, light-hearted naturally, and industrious. They are not American "hustlers," however. Many conditions have combined with climate to mould the character of this community. The whites are Spanish by race, but in all essentials they are a different stock from the Peninsuleros, or from the other Latin-American communities, which are everywhere modified by large admixture of Indian blood. The negroes are not the same as those of our Southern States, of Hayti, or other West Indian islands. In the eastern provinces of Cuba especially, they are largely the descendants of the earlier African importations, those of the sixteenth and seventeenth centuries; while in the central provinces

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the same people are chiefly descended from the slave importations that so systematically preceded our civil war. The Cuban negroes are industrious. Intelligent whites who are most directly in touch with them declare they are moderately aspiring also. They want education for their children and possess an ambition to secure a foothold on the land. And at this point, it will be desirable to call attention to the fact that there are still several millions of acres in Cuba that will come, in the readjustment, under the designation of public lands. Other large areas that are held under old grants, but never cultivated, will surely be placed on sale. Conditions make that inevitable.

The sugar plantations of Cuba are not inviting to laborers of any character. As they are conducted, they must be regarded as "relics of barbarism," debased by chattel and debt bondage, with the added brutality of a business based wholly on machinery and the cheapest possible labor. Cuban plantation hands will leave the "*ingenios*" just as swiftly as they can see their way to other chances. There are no homes around the sugar factories, for they are nothing else. Women and children are systematically discouraged. Schools are non-existent. The capitalist owners are conspicuous by their absence, and are represented by a few agents, storekeepers, engineers and artificers. American owned plantations are often and especially illustrative of this. The civil war and Weyler's policy have forcibly taken the plantation hands remaining and scattered them widely. They have done more; for they have almost destroyed the cane-growing farmer class. These, especially in Matanzas and Havana, were quite generally Spaniards from the Canary and Mediterranean islands, or of the hardy Pyrenean peasant stock. In slave-holding days, these people were the owners' agents and foremen. They and their descendants gradually came to be the "*tributeros*" in the sugar provinces, and in the leased "*vegas*" cultivators of the tobacco section. Land grants were generally twelve square leagues, or about 23,000 acres in extent. These lands in Cuba have been leased in "*cabelleros*" or "*vegas*" of thirty-three and one-third acres each, at a small amount per acre. Usually the lessee took from two to three such portions. The conditions were the planting of cane in such proportion to the acre as local facts suggested. This product had to be delivered at the "*ingenios*" at a price practically set by the owners of the latter.

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Credit for seed and food were established. The result has been an effective form of peonage. Breaks have occurred. Men became independent. Small investors, too, have entered the field. The larger capitalists have found profit in a better centred tillage, but the fact remains that the *pacificos*, of the sugar districts especially and the tobacco region partially, were of the renting class, in debt to owners and exporters, and therefore under bonds to the old system.

Weyler's cruelty has practically destroyed this relic of Spanish rule. In so doing, it has made the future of republican Cuba far brighter than would otherwise have been the case. The Canary Island renters have been made over as Cubans, or have returned to their old homes. About one-third have left, an equal number have died, and the larger proportion of the remainder have become bitterly anti-Spanish. They are not likely to return in large numbers to cane planting, and, like the colored laborers, will probably seek new homes on the vacant lands, after working awhile for wages at the new enterprises which will bring the large development of Cuba's resources.

Sugar planting will not remain the foremost industry of the island. It will probably pass under a cloud, and wait for several years before a revival comes under new conditions of land control and wage payment. As in Jamaica and after emancipation, the small crops of squatters and farmers will soon assume a commercial value greater than that of the sugar industry, for the island lands are everywhere capable of productions valuable as exports. Coffee, cocoa, rice, fruits of all kinds, tropical and temperate, except those of the higher latitudes; fine vegetable roots and crops like cassava, ginger, arrowroot, medicinal plants, fibres of value, and tobacco of course, are native to the soil and readily cultivated.

The development of mining, cattle growing and its related occupations, and of the great timber resources of Cuba, will demand a large amount of labor. The island population is not over twenty to the square mile. The railroad mileage is but one in thirty-seven, and the telegraphic mileage only one in seventeen square miles. There are not 500 miles of decent highways in the whole island. In her days of commercial prosperity, the ports of Cuba received about 2,000 ships, having a tonnage of 2,500,000 tons. The traffic of 1898 would not exceed one-twentieth thereof.

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The division of the population will usually be made by us on the basis of color, but that is entirely misleading as to results. There is no such thing there as a race issue. A very persistent effort has recently been made to make it appear as if there were one, just as there has been also an attempt to produce the impression that an hostility exists among the former Cuban soldiery against the United States and its people. We need not go far to find the genesis of these statements, but it is difficult to comprehend why so many in our midst should have given them persistent currency. Their origin was Spanish; their promulgation due to commercial and color prejudice combined. In so saying, I am guided by the fact, known to all students of Cuban matters, that one of the most unfair elements in the affairs of that island and our relations therewith has been for the past forty years the American money invested in Cuban sugar plantations. But recently, a Cuban of culture and education—a graduate, too, of one of our scientific schools of high repute—declared to me that it was American money that resisted the emancipation of their slaves, and that the same influence had always opposed Cuban freedom at Washington and in the American press. It must be confessed that the misrepresentation of Cuban character, as this writer sees it, which has followed our war record, gives force to this statement.

The traditional Spaniard, as such, will not be a source of much division in Cuba. More than half of that part of its population had become seriously disaffected by the ferocious brutality of the men in command. Nativity made for nothing in the Weyler slaughter. All were treated alike, unless the men chose to wear the Spanish uniform, and then they only suffered longer. The trading people, largely of Spanish birth, grew discontented during the year past. Then it has remained true that all persons born and reared in Cuba have been at heart, and generally bitterly so, anti-Spanish in feeling. The professional, teaching and literary class are usually Cuban by birth and sympathy. The younger ones are largely American by education. The farming class, especially the tobacco growers and exporters, the men of the small farms and the cattle ranges, are almost wholly Cuban. The skilled wage and day labor classes are native. The negroes, mulattoes and mestizoes are of course Cubans, with such exceptions only as prove the rule. And a great

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proportion of the planter families, long established in the island, cultured, refined, Spanish in their fine manners and proud natures, are thoroughly Cuban in political character and opinion. It is from this class that the patriots, Cespedes, Agramonte, Aguone, Cisneros, Garcia and others known to recent history, have come. It must be borne in mind, also, that the mestizoes are not separable from the general body of the white Cubans. Nobody resident in the island ever makes any such distinction. Their families are the admixtures of the older white and African stock. In the negro labor population, the mulatto proper has a distinct but not unfriendly place.

The aristocracy or exclusive class will be made up of Spaniards who remain because of property interests, the banking and richer commercial elements, largely European, but only partially Spanish, the clergy who may remain, with the wealthier planters, and those dependent on them for direct personal employment and patronage. This analysis shows that the outlook as to population and its character is decidedly favorable to steady life and an assured, if moderate, progress to better conditions.

Everywhere the grateful feelings of the Cuban people toward Americans in general are unrestrainedly present. Everywhere, too, the business men, whether Spaniards or Cuban, are eager to welcome the restful interregnum we bring. Everywhere the desire to learn our language is so eager that it has its humorous aspects. The Cuban insurgents have borne their part in the waiting with a degree of manly patience that the more it is recognized the deeper will be the gratification aroused thereby. They have been educating themselves for citizenship by building and maintaining for three years past, over a considerable segment of the island, a rude but effective form of local administration and civil life. They have maintained courts, established workshops, cultivated great bodies of land, kept their soldiery in the field, founded common schools and printed books therefor. In all this they have had no aid, as was afforded elsewhere in other Latin-American struggles, from the clergy. It is asserted that there are not a dozen natives among the clerics on the island.

There are other issues buried probably in the graves of Antonio Maceo and José Marti, who both held to the idea of a West Indian Republic under federal relations. It is quite certain that

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these two men were of the largest natural ability found among the Cuban leaders, and that they agreed as to the ideals for which they were working. Marti was the Cuban's Mazzini; Maceo the mestizo's Toussaint Louverture. Both were believers in an independent Cuba, and therein Gomez agreed with them; both hoped for the growth of a West Indian island federation, in which race issues would be solved under growing industry and the moulding attraction of justice.

This review of existing conditions in Cuba will illustrate that there is nothing inherently incurable in the present or prospective situation. It only appears so to those who think, perhaps, of New England, or want the power of New York City suddenly developed in the Antilles. But the thoughtful reader, who rationally seeks to put himself in the other man's place, will see that the Cuban—white or colored—is facile and available, willing to labor and responsive to fair dealing. To his credit always it must be remembered that he has unflinchingly borne the burden of resistance to oppression, and worn its sacrificial sufferings without undue complaint. The Cubans are not quarrelsome among themselves. That, the fact of their last thirty years of combining and fighting must establish. They are not revengeful, either, and bear little malice toward the mass of those who have ill used them. Indeed, the feeling of a true democracy, scientific in its deductions, dwells within their known views. The leaders recognize that the masses are mainly moulded in and by systems. Individuals are often responsible for special crimes or policy; the community acts as administrative machinery operates, until its grinding power becomes intolerable. The Spaniard, who remains to work with them, they know must be lifted up, not beaten down. And this I have found generally accepted among the Cubans. There are some, of course, who by temperament or spiritual insight are malcontent. The world's conditions create such unrest. But in Cuba there are few. It depends largely upon our acts whether they grow more numerous.

It is a settled policy that an American protectorate shall remain until order and industry are firmly established. In our sense of the words, there have been no such in Cuba before, because there has been no justice or wisdom displayed in administrative affairs. But the chief desire among active Cubans is

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the speedy establishment of their island independence. This is practically universal in the small towns and rural districts. The larger places are more divided, older Cubans and men of business being in favor of speedy annexation. As to what may follow independence, present judgment and observation tend to a strong conviction that it would soon eventuate in a demand for annexation and admission into the Union as a state.

This conclusion, however, must not be accepted as a finality. If Cuba becomes, as is probable, reasonably prosperous and can depend upon herself, the old dream of the political idealists may be revived as a practical political issue. A federation of all the West Indian islands, under republican institutions, has been a subject of discussion among Cuban thinkers. It may be recalled by historical students that such an idea was broached in the revolutionary fervor that lit the close of the last century and shed a ruddy light upon the opening years of the one now passing away. It was discussed by Placide, the Cuban poet, and others in the mid century periods. And it has certainly been considered by Cuban leaders of this generation. There are those who think such a plan feasible, and are now ready to believe that with a stable government in Cuba, the European owned islands, as well as Hayti and Santo Domingo, could be more readily and peaceably brought together than would be the case under the direct efforts of this country. But this idea does not belong at present to the domain of practical politics. Probably it never will.

But whether Cuba remains under our protection until it enters the Union as a state, or whether, helped to a self-respecting independence, it decides to ask for annexation, it is interesting to know that the Cuban people are now a practical unit in supporting the idea and hope of a republican government; the separation of Church and State, with the secularization of all church property, not required for religious use, for educational purposes, collegiate, high schools, and for the free and common teaching of all the children. An increasing demand for primary education is felt in the island. Equally so is the desire for instruction in both Spanish and English.

The Cuban leaders have considered other important matters; as, for example, that of land tenures, and leasing. It is claimed also that there are some millions of acres, out of the nearly 29,-

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000,000 which the island and its small additions contain, that still remain public property. Lawyers are engaged in the investigation of these matters. Representative Cuban republicans desire all such realty to be set aside in order to create a fund for educational purposes; and that liberal colony and homestead regulations shall be adopted, so that use or sale may be helpful in creating such a fund. There is a good deal of quiet discussion in progress relating to the present plantation system, which every one recognizes is, as now conducted, decidedly injurious to decent habits, social growth, and free institutions.

A broad willingness is shown as to franchises, but there are also those who question the wisdom of unrestrained bestowal of such privileges and functions. A demand for rapid communication, water-works, sewerage, paved streets, road making, bridge building, land settlement, mine opening, indeed, for all the multifarious activities of modern life, will soon be developed. But, so far, no one discusses manufacturing possibilities, and the tendency among the Cubans of trades and crafts will long remain individualized. Cuba offers interesting questions and issues, and demands from us not only honest action, but a clear conception of the duties we assumed at such a cost.

RICHARD J. HINTON.

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THE BALLOT LAWS OF NEW YORK.

BY THE HON. JOSEPH F. DALY.

At the last general election in New York City, there was as much discussion over the way to vote as there was over the candidates to be voted for. The most contrary assertions were made as to the manner in which an elector who desired to vote for some candidate not nominated by his party could effect his purpose. The result of the election failed to express the intentions of many voters, (1.) because, in some instances, they were so confused by conflicting instructions that they forebore to vote in the discriminating way they desired and voted wholesale for, or against, party to avoid the total loss of their vote; (2.) because they followed wrong instructions and actually cast a vote contrary to their choice; (3.) because their votes, when correctly cast, were misread or miscounted, through the ignorance of election officers. It would seem that the whole effort of the Legislature should be directed to preventing this state of things, and it is to be hoped that it will be speedily remedied.

The policy of the State has been, for the last three years, to provide an official ballot for the use of the voter on election day. He goes to a polling place and receives a folded paper, with which he retires to a compartment, called a booth, where he finds lead pencils on a shelf which serves as a desk. On opening the paper, he sees—in some cases with difficulty, owing to insufficient light in the little shop used as a polling place—printed in separate columns, the names of the candidates of each party, and a blank column in which he may write the names of candidates not in the printed columns. At the head of each party column are a device, the name of the party, and a circle or ring. The device is to guide the voter who cannot read English or cannot read at all. The voter may simply mark a cross, with a black lead pen-

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cil, in the circle, and in that case he votes for all the persons whose names are printed beneath it. This is called voting a "straight ticket." It is the first resort of an elector who is content with the candidates chosen by his party convention; and it is frequently the last resort of a voter who, going to the polls with the intention of choosing among the candidates of different parties, finds it difficult to carry out the instructions he has received, and, rather than lose his vote altogether, puts a cross in some circle and lets the matter go.

What is the difficulty which confronts the voter? It is the confusion due to the over elaboration in the ballot law of provisions for voting what is called a "split ticket," that is to say, for choosing candidates from different parties. Reduced to a simple form, the provisions are as follows. To vote a split ticket the voter may:

Omit to mark a cross at the head of any party column, and mark instead, a cross before the name of each candidate chosen in any column; or,

Mark a cross in the circle above his party column, and also mark a cross before the name of individual candidates in another party column. He thus votes for such individual candidates, and also for all the candidates in his party column except those on the same lines with the individuals marked in other columns. But if there are two or more candidates to be elected to the same office, as in the case of presidential electors or judges, he may vote for candidates on the same line by marking a cross before each of their names, and a cross before all other candidates of his choice for the same office, whether in his party column or in other columns, until he has thus marked as many individual candidates as he is allowed to vote for for that office.

The necessity of thus marking all the candidates of his choice for the same office is apparent from the following illustration. Let us suppose that there are three judges to be voted for by each elector. The ballot shows for that office thus:

Republican candidates.	*Democratic candidates.*	*Third Party candidates.*
Brown.	Doe.	Smith.
Jones.	Roe.	Grey.
Robinson.	Thompson.	Black.

It is manifest that if the voter marks a cross at the head of the Democratic column, and a cross before the names of Brown

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and Doe, it will be doubtful which of the two other Democratic candidates he votes for, and so he must signify his choice by marking a cross before one of them.

If the voter fails to indicate a particular choice for any candidate in his party column, it does not render his ballot void as to other candidates. If he makes a cross at the head of his party column, he votes for all the candidates in that column, except those as to whom a doubt exists as indicated above.

If there is difficulty in comprehending the foregoing with regard to voting a split ticket, the difficulty is hardly lessened by the manner in which the instructions are given in the ballot law. Here are Rules 3, 4 and 5 for the guidance of the Board of Inspectors in counting the vote to ascertain the "intent of electors," taken from Chapter 335 of the laws of 1898, Section 110:

Rule No. 3. If the elector shall have made a voting mark in the circle above one ticket only, and shall have also made a voting mark in the voting space or spaces before the name or names of a candidate or candidates on one or more other tickets, he shall be deemed to have cast his vote for all the candidates on the ticket so marked in the circle, except for those for whom he has indicated his intention not to vote by making a voting mark in the voting space before the name or names of individual candidates on one or more other tickets, or by writing a name in the blank column, and the candidate or candidates so individually voted for on such other ticket or tickets shall be deemed to be the voter's choice for such office or offices; provided, however, that:

Rule No. 4. When two or more persons are to be voted for for the same office, as two or more justices of the Supreme Court or presidential electors, and the names of the several candidates therefor are printed under the title of the office for which all are running, and the elector shall have made a voting mark in the circle at the head of a ticket, and shall also have made a voting mark in the voting space before the name of one or more of a group of candidates for such office on other tickets, providing that he shall not have marked the names of two or more of such candidates upon the same line upon the ballot, he shall be deemed to have cast his vote for all the candidates for such office so individually marked and for those marked in the circle, except for those candidates under such circle so marked whose names are upon the same line on the ballot as the names of the candidates so individually marked, or written in the blank column, unless in addition to making the voting mark in the circle at the head of the ticket he shall also have made a voting mark before each one of the group of candidates for such office for whom he desires to vote on the ticket so marked in the circle; provided further, however, that:

Rule No. 5. When two or more persons are to be voted for for the same office, as two or more justices of the Supreme Court or presidential electors, and the names of the several candidates therefor are printed on any ticket under the title of the office for which all are running, and the electors shall have made a voting mark in the circle at the head of the ticket, and shall also have made a voting mark in the voting space before the name of more

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than one of the group of candidates for such office printed on the same line on the ballot on other tickets, or by writing the name or names of a candidate or candidates in the blank column, he must also indicate by voting marks in the voting spaces on the ticket so marked in the circle the individual candidates of the group of candidates on such ticket for whom he desires to vote, or his vote shall only be counted for the candidates for such office which are so individually marked on other tickets or written in the blank column.

The foregoing provisions of law, which were discussed very fully before the last election, had the effect in many cases of deterring discrimination in voting, and led to the voting of a "straight ticket" for fear of the dreaded consequence—the loss of a vote—under the impression (an erroneous one) that, if a ballot were not marked so that the intention of the voter was clear as to a particular candidate, his vote would not be counted for any in his party column.

But the greatest confusion arose from a cause for which the Legislature was directly responsible; namely, two apparently inconsistent and contradictory enactments on the same subject—the voting of a split ticket.

Under the head of "Preparation of ballots," in section 105 of the same law, occurs the following:

Rule No. 2. If the elector desires to vote a split ticket, that is, for candidates of different parties, he should not make a cross mark in the circle above the name of any party, but should make a cross mark in the voting space before the name of each candidate for whom he desires to vote, on whatever ticket he may be.

In section 110 of the act are found the elaborate rules 3, 4 and 5, above quoted, showing that a split ticket may be voted in a different way. The provision in section 105 is, in fact, nothing more than a direction as to one way to vote a "split ticket," and is a suggestion which may, or may not, be followed, inasmuch as the voter may adopt the method of voting referred to in the subsequent section 110, and his vote will be equally valid. But many persons having read the first enactment without reading the others, and many newspapers having published it as the controlling legislative provision on the subject, uncertainty was inevitable. The manifest duty of the Legislature is to amend the law so as to avoid a mistake so likely to occur. This should be done by adding at the end of rule 2, in section 105, the words, "the elector may also vote for the candidates of different parties in the following manner," and incorporating briefly the methods allowed by rules 3, 4 and 5 of section 110. The greatest direct-

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ness and simplicity of enactment is demanded in directions for voting and counting votes, and convenient illustrations should be incorporated in the act, if the official ballot is to remain as the means by which the voter is to express his choice at the polls.

To understand how the existing enactments confuse the election officials, it is only necessary to read a portion of the report made on the 9th of November by a member of the bar, who acted as a volunteer watcher for the Lawyers' Committee in the last election held in New York. His object was to secure a correct count of the vote for Supreme Court justices, each elector being entitled to vote for three candidates. He said:

"Yesterday I acted as a watcher on behalf of the Committee of One Hundred, at the Fourth Election District at No. 43 Cherry Street, in the Second Assembly District.

"Ten ballots were marked as follows:

	X
Cohen.	X Andrews.
X Daly.	X Fitzgerald.
Taft.	Leventritt.

and one ballot as follows:

	X
Cohen.	Andrews.
X Daly.	X Fitzgerald.
X Taft.	Leventritt.

"The Democratic Inspectors took the position regarding the first ten ballots that neither Daly nor Fitzgerald were voted for, but that Andrews and Leventritt were voted for and so counted the ballots. I objected strenuously, read the election law to the inspectors, and finally succeeded in having a protest endorsed upon the back of each of the ten ballots, which protest was signed by the Republican Inspectors, Francis P. Kennedy, of 38 Park Row, and Michael J. Gorman, of 313 Water Street. The protest read as follows: 'We claim that Daly, Andrews and Fitzgerald are voted for on this ballot. (Signed) FRANCIS P. KENNEDY.
" MICHAEL J. GORMAN.'

"On the other ballot an endorsement was made and signed by Kennedy and Gorman as follows: 'We claim that Daly, Fitzgerald and Taft are voted for on this ballot.'

"In the last-mentioned ballot the vote was counted for Andrews and Taft."

The vote should have been counted exactly as claimed by the watcher and the Republican inspectors; that is to say, for the candidates marked with a cross. The error of the other inspectors lay in supposing that the voter could not choose two candidates out of three on the same line if one was in his party column —a manifest absurdity which no Legislature could be supposed to countenance; but, nevertheless, the cloudy provisions of Rules 4 and 5 left some minds in doubt on the point.

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It would undoubtedly do away with the difficulty of ascertaining the voter's intention if the Massachusetts and California form of ballot were adopted. This ballot has no separate party column, all the candidates being printed in one column under the titles of the offices for which they are running, and the name of the party by which they are nominated printed after each name. Voting is done by marking a cross on the right of the name of each candidate of the voter's choice. Only the names so marked are credited with a vote. The election officers, inspectors, watchers and canvassers can make no mistakes. With the name of each candidate on a separate line, there can be no question for whom the vote is cast. A candidate who is not marked gets no vote, and a mark for one name cannot be counted for another.

The California ballot law substitutes a stamp for the lead pencil mark on the ballot. A rubber stamp and ink pad instead of a pencil are found in the voting booth, and the voter uses the stamp to make a uniform and indelible mark opposite the candidate's name. One object of this uniform stamping is to prevent any peculiarity in marking which, in using a pencil, might be resorted to for the purpose of identifying a ballot as cast by a particular voter or class of voters; a very desirable precaution, all ballot laws providing for the rejection of ballots upon which any identification mark can be discerned. In New York, ballots have been challenged because the cross mark in the circle at the head of a party column was made with one heavy and one light stroke, an effect as easily produced by accident as by design, and so have various forms of cross marks which, though irregular, may possibly, under decisions of the courts of New York, be accepted as valid cross marks not necessarily to be rejected as imperfect, or as made for the purpose of identification.

A reasonable objection to the system which obliges the voter to mark every name he votes for, may be made where a multitude of offices are required to be filled by election. In California we are told that sometimes between 200 and 300 names have to be marked, owing to the statutory requirement of votes for school officers and other minor positions. The same objection would, of course, be very apparent in several states in presidential years, when, if there were several parties in the field, a vast number of names of presidential electors would have to be printed on the ballot; but, inasmuch as these are invariably voted for as repre-

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senting the party presidential candidate, and not upon their own merits as individuals, a separate ballot could be printed for presidential electors, upon which a single mark at the head of a party column would suffice to vote a whole ticket. This method would certainly have to be adopted in order to prevent the undue prolongation of an electoral count, which would result from having to record the individual marking of the names of several hundred candidates. No voluntary watchers could be found who were willing to give more than one day to the count of votes. At an election in California, it is said, the count sometimes extends over two or three days. The obvious objections to this are many and serious. In favor of the single column system generally, it may be observed that the same aid, by way of party emblems, could be furnished to voters who cannot read English, as well as to those who cannot read at all, as is offered by the party column system. The party device, as well as the party name, could be printed after the name of each candidate.

While in New York an official ballot is prescribed for general elections, an important modification is allowed for primary elections at which delegates to political conventions are chosen. An official ballot is furnished for each political party, on which is printed its nominees; but any person may provide ballots with the names of other candidates, and may deposit them with the election clerks, who are bound to furnish them, as well as the official ballots, to every elector who presents himself at the polls. The voter may vote any ballot so received; or he may substitute for them a ballot which he has brought with him, and which conforms in external appearance to the provisions of the law and has been printed according to the regulations. Official paper is to be furnished at cost, together with sample official ballots, by the election officers prior to the election, to all who require them for the purpose of printing special ballots.

Thus at primary elections the voter may vote a ballot previously prepared and put into his hands before the elections, a privilege from which he is debarred at general elections. The system might, I think, be improved by requiring the election inspectors to provide at the polls envelopes in which every ballot is to be inclosed before it is voted, so as to prevent the possibility of detecting whether the elector is voting a well-thumbed ballot which he has previously prepared, or a fresh ballot which he has just

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received from the poll clerk. A watch would be kept upon voters by the party workers, if ballots were not thus screened from observation when cast, and the secrecy of the ballot might be endangered.

It has been questioned whether the voter, at a general election, ought not to have the privilege which he enjoys at a primary election, of casting a ballot which he has prepared at home, and which he can substitute in the secrecy of the polling booth for the official ballot received from the inspectors. Much is to be said in favor of an enactment which would require the election officers to deliver at the residence of each registered voter a certain time before election—say two or three days—copies of the official ballot, one of which the voter might mark to suit his views as to the choice of candidates and substitute for the official ballot which he receives on election day and with which he retires to the polling booth. Such a privilege would undoubtedly be a great boon to the voter, as it would afford him the opportunity of consultation as to the proper way of marking his ballot so as to effect his intention in voting. The object of requiring the official ballot to be delivered at the residence of the voters is to put all upon an equal footing, and avoid the disclosure of an intention to vote independently which would result from personal application for the ballot at the polling place in advance of the election.

The present New York ballot law, with all its defects, seems to be intended to favor the independent voter. Its labored provisions for giving effect to his intention fail only because they lack arrangement and simplicity. Thoroughly revised by competent hands, the law can be made clear to voters and election officers, and an official ballot can be devised which will serve to record unerringly the will of the elector. Voters in New York have become familiar with the present form of party column, and that is an argument in favor of retaining it; but some modification might be allowable, to avoid the perplexity which must always be caused by an attempt to discriminate where there is a group of candidates to be voted for for one office. It might be permissible to use a paster in such a case, to be placed in the party column over one or more names; or it might be permitted the voter to indicate the candidates he rejects in his party column by running a pencil mark through their names, an instinctive,

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as well as unmistakeable, way of denoting disapproval. This, with a cross mark before the name of a candidate or candidates selected from other columns, or the writing of a name in the blank column, would clearly indicate the voter's choice.

The use of the single column, with the name of each candidate for each office on a single line would, of course, render these precautions unnecessary.

JOSEPH F. DALY.

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OBJECTIONS TO ANNEXING THE PHILIPPINES.

BY SENATOR G. G. VEST.

WHEN President Northrop, of the Minnesota University, sneeringly declares that the nation has become a giant, and "is no longer content with the nursery rhymes which were sung around his cradle," and eminent statesmen ridicule "the swaddling clothes" made by Washington and Madison, it is surely time to ask whether the American people are ready to follow these apostles of the New Evangel in revolutionizing our Government, and trampling upon the teachings and policies which have made us great and prosperous.

To those who thus manifest their contempt for the Constitution made by Madison and his wise associates, and for the teaching of Washington, I make no argument; but to the great body of citizens who love their country and revere the traditions and memories consecrated by the blood and sacrifices of our fathers, I confidently appeal against the fantastic and wicked scheme of colonial expansion, the adoption of which will change our form of government and will bring nothing but disaster.

I am opposed to annexing the Philippines because such annexation makes the people of those islands ultimately citizens of the United States, and necessitates the admission of the territory thus acquired as a State.

The idea of conferring American citizenship upon the half-civilized, piratical, muck-running inhabitants of two thousand islands, seven thousand miles distant, in another hemisphere, and creating a State of the Union from such materials, is so absurd and indefensible that the expansionists are driven to the necessity of advocating the colonial system of Europe, against which the American Colonies revolted when its application to them was attempted by the King of England.

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In the rush and roar of recent events, the fact is ignored that the first four years of the Revolutionary War were fought against the colonial system of Europe, which was based upon the cardinal principle of monarchy, that millions of people could be held as colonial subjects, governed by laws in the making of which they had no part, and under whose exactions they were impoverished by unjust and excessive taxes. Against this system, graphically described by Jefferson as based upon the belief that "nine-tenths of mankind were born bridled and saddled, with the other tenth booted and spurred to ride them," our fathers took up arms and defied the most powerful nation of the world. The history of that eventful period shows that they did not at first contemplate independence, but rebelled because they were denied representation, although taxed to support the Crown. When the people of Rhode Island burned the British war sloop, "Gaspee," in Narragansett Bay, and the people of Massachusetts threw overboard the tea in Boston Harbor, they claimed to be loyal subjects of the King; and when Thomas Jefferson and his friends met at the Raleigh Tavern in Williamsburg, Virginia, and resolved to share the fortunes of New England, they declared their object to be the maintenance of their rights as British citizens.

After four years of war, the leaders of the Revolution determined upon final and complete separation from the mother country, and in 1776 Jefferson framed the Declaration of Independence, the foundation stone of which is the sublime truth that "all governments derive their just powers from the consent of the governed."

It is incredible that the men who fought and suffered for seven years in resisting the colonial system of Europe, should have then formed a government whose constitution recognized and adopted the oppression against which they had successfully struggled.

It is a travesty upon history, and an insult to the memory of the glorious dead who suffered and died that we might be free.

That the heroic men who fought against the colonial system in the Revolution did not intend to abandon their position and surrender to absolutism, is evident from the fact that the Articles of Federation contained no provision for acquiring new territory, and Mr. Madison, in number 38 of the Federalist, complained that the Northwestern Territory had been received from Virginia,

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and a territorial government established there by Congress, without any authority, and upon this he based an argument for the adoption of the Constitution of 1789, in which he claimed there were limitations of Congressional power necessary to the preservation of those great principles of free government for which the war against England had been waged.

The Constitution of 1789 provided that Congress should have power "to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States," and "to admit new states into the Union."

These provisions must be taken together, and obviously mean that Congress can legislate for the sale of public lands, and for the proper government of newly acquired territory until it is ready for statehood.

In Dred Scott *vs.* Sandford, (19th U. S. Reports), the Supreme Court decided that "there is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure, or to enlarge its territorial limits in any way, except by the admission of new states."

This portion of the opinion was concurred in by all the Justices, including McLean and Curtis, who dissented from the views of the majority as to the rights of a slave owner to carry his slaves into a territory where slavery had been prohibited by Act of Congress. In their dissenting opinions, Justices McLean and Curtis declare that Congress can exercise no powers in territory acquired by conquest or purchase, which are prohibited by the Constitution, and their legislation must be for the protection of life and property, and "initiatory to the establishment of State governments."

This decision as to holding colonies has never been questioned by any court or public man in this country, until the craze for expansion made its appearance within the past few months.

The expansionists, made desperate by the plain teaching of our early history, and the unanimous opinion of nine Supreme Court Justices, representing all sections and political opinions, contend that the Constitution does not apply to the Territories, and that Congress has unlimited power to control new territory as colonies if it believes this condition to be needful. Mr. Web-

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ster is quoted as authority for the doctrine that the Constitution does not apply to the Territories, and it is true that in an acrimonious debate in the Senate with Mr. Calhoun in 1848, when the latter asserted that slavery existed in the territory acquired from Mexico by reason of the Federal Constitution, which recognized slavery, being extended over such territory, Mr. Webster not only declared that the Constitution did not apply to the Territories, but that the Constitution gave the Federal Government no power to acquire territory in any way.

With great deference to Mr. Webster's ability and learning, it must be emphatically stated that his position is too monstrous for serious discussion. That Congress can ignore the Bill of Rights, and deprive citizens in a territory of the right to trial by jury, security from unlawful search and seizure, freedom of religious opinion, and the other rights guaranteed by the Constitution, cannot be defended successfully even by Webster.

The Supreme Court of the United States has repeatedly determined that the Federal Constitution, with all its provisions, applied to all territory under the jurisdiction of our Government.

In the case of Loughborough *vs.* Blake (4th Wheaton), Chief Justice Marshall, in delivering the opinion, said that the term "United States" meant "the whole Republic, composed of States and Territories, and all the provisions of the Constitution as to taxation and personal rights applied to the whole country alike."

Chief Justice Waite, in the case of "The National Bank *vs.* the County of Yankton" (101 U. S. Reports), speaking for the Court, said that the Territories held the same relation to the Federal Government as counties to a State, and that "Congress had all the powers of the people of the United States, except such as have been expressly or by implication reserved by the prohibitions of the Constitution."

In Thompson *vs.* Utah (170th U. S. Reports), the Supreme Court decided that the provisions of the Constitution relating to trials by jury for criminal offenses applied to the Territories, and that Congress in legislating for the Territories is subject to all the limitations of the Constitution.

The same doctrine is announced in The American Publishing Company vs. Fisher (166th U. S. Reports), and Crandall *vs.* Nevada (6th Wallace).

It is a significant indication of what our people have hereto-

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fore thought of the colonial system that, in all our acquisition of territory, provisions have been placed in the treaties of cession giving to the inhabitants of the ceded country as soon as possible American citizenship and statehood. The ordinance of 1787, providing for the government and disposition of the Northwest Territory, established self-government for the people of the ceded territory, and the same enactment is found in the treaties made with France, Spain, Mexico and Russia, for the cession of Louisiana, Florida, the northern part of Mexico, and Alaska.

But, if the constitutional power to hold the Philippines as proposed were undoubted, I would oppose annexation if, instead of paying $20,000,000, we should receive five times that sum for taking them.

Nothing but foreign complications, ruinous expenditure, social and political deterioration, and the destruction of free institutions, can come from annexation.

The Philippine Islands are stated in a pamphlet forwarded in May last to the State Department by Mr. Hay, Ambassador to England, and found in the Consular Reports for July, 1898, to be about two thousand in number. They cover sixteen degrees of latitude, or a distance equal to that between Massachusetts and Florida, and are supposed to contain from eight to ten millions of inhabitants, no census having ever been taken, and one-half the archipelago being only nominally under Spanish rule. The natives of many islands are savages in a state of barbarism, and very little is known of their actual number and condition.

The following extracts from the paper forwarded by Mr. Hay are interesting:

"On the whole, the Philippine natives find and take life easy. Their requirements are few. The sum of £5 will provide a native household with a dwelling of its own and ample furniture. Under a genial climate; on a soil lavishly grateful for the slightest tending; by waters teeming with fish, they know naught of hunger, and have much time left for amusements—such as dancing and public rejoicings on the smallest occasion. . . . Cockfighting is the national sport, and no mean source of revenue to the authorities. Almost every native owns a fighting fowl, which is as dear to him as her lap-dog to a European lady. He carries it about with him and bets his bottom dollar on its performance in the arena."

The favorite pastime of a Malay, when cockfighting becomes monotonous, is to "run-amuck," which means an indiscriminate and murderous attack upon everybody within reach until physical exhaustion terminates the innocent recreation.

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Foreman, an English author who lived many years in the Philippines, says in his book, "The Philippines," published in 1890:

"The native is indolent in the extreme and never tired of sitting still gazing at nothing in particular. He will do no regular work without an advance—his work cannot be depended upon—he is fertile in exculpatory devices—he is momentarily obedient, but is averse to subjection. He feigns friendship, but has no loyalty—he is daring on the spur of the moment, but fails in resolution if he reflects."

He also states that, out of 10,000,000 natives in the archipelago, 7,000,000 only are domesticated, the remaining 3,000,000 being savages; and that within a half-day's journey from Manila there are several well-known haunts of pirates, such as San Mateo, Imus, Silan, and Indan.

It is respectfully suggested to the farmers and manufacturers of the United States, who are told by the expansionists that a great market for their products will be furnished in the Philippines, that the population of those islands, as described by reliable observers, will furnish very poor customers for the agricultural and manufactured exports of this country.

It is obvious from conditions in the Philippines that if we annex them, and plunge into the dangerous arena of foreign complications, we must keep there an army of at least 10,000 men, and four or five war vessels, at a cost of many millions annually. Besides this, whatever may be the status as to citizenship of the older inhabitants, their children born after annexation become citizens and voters. The Fourteenth Amendment declares that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States;" and the Fifteenth Amendment enacts that "the rights of citizens of the United States to vote, shall not be denied or abridged by the United States or by any State." It being certain from these amendments that the children of the Filipinos will be citizens and voters, in case of annexation, it follows that they must be educated and civilized in order to fit them for the duties imposed by our jurisdiction over their country.

The official record shows that we expend each year more than thirty dollars *per capita* in educating and governing the Indians, and if one-third this amount is expended upon the Filipinos the annual expenditure would be $100,000,000, with no certainty of making them law abiding and intelligent citizens.

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The magnitude of the task is shown by the fact that in Manila, by far the most civilized community in the archipelago, there are in its population of about 300,000, 200,000 Chinese, 50,000 Japanese, 40,000 natives, principally Malays, and 3,000 whites. What must be the character of the population in the outlying islands!

We are told, however, that large revenues will be derived from the Philippines, which will reimburse us for all our outlay. The "Statesman's Year Book" for 1898 gives the revenues from the Philippines in 1894-95 as $13,579,900, derived from imports, government monopolies, stamps, cock fighting, opium, gambling, lotteries, raffles, and Chinese capitation tax; and the expenditures for the same year $13,280,130. This leaves a net balance for the government of $299,770. Assuming that the United States would degrade itself by licensing gambling, lotteries, cockfighting, and the sale of opium, it will be seen that no governmental El Dorado has been discovered in these distant possessions. When the enterprising carpet-bagger, and hungry political appointee have swarmed to this new field of plunder, it requires no stretch of the imagination to see an enormous deficit each year to be paid by the taxpayer of the United States.

The principal argument of the expansionists is addressed to the greed of our merchants and exporters, in the assertion that large profits will accrue to this country from the trade of the Philippines and of China and Japan, which can be secured through our people in the archipelago. We will be fortunate if China and Japan, which are now raising cotton and importing the best machinery for manufacturing cotton goods, do not become our most dangerous rivals.

The exports of the Philippines for 1896 amounted, according to the Report of the Bureau of Statistics, to $30,806,250.

If this entire trade could be monopolized by the United States, the profit would be insignificant; but we must remember that England and Germany have large trade interests in the islands, and if an attempt is made to exclude them from what they now enjoy, it will result in retaliation by those countries. Besides this, it is stated that by the terms of the treaty signed at Paris, Spain is to have equal trade privileges with this country for ten years in the Philippines.

We are assured that American capital and labor will rush to our new possessions, and that the enormous mineral and agri-

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cultural resources of the islands will soon change them into American communities.

No intelligent man can be made to believe that our laborers can be induced to make homes in the tropics, amidst a population like that of the Philippines, and where the wages and comforts of the temperate zone are impossible. Speculators and promoters may go there for a time, but they will soon find that the natural resources of that distant region have been greatly exaggerated. While mineral deposits are found, they have not been developed to such an extent as will justify the certainty of profitable returns for the miner, and Spain has granted to an English company exclusive mining rights in Luzon, not to expire for many years. The valleys are fertile, but the largest part of the tillable land is owned by the Catholic Church and the priests, making it certain that the United States will be confronted with temporal and ecclesiastical claims of the most serious nature.

No intelligent American can see why we should leave the safe and sure policy of a century for this dangerous experiment.

Great Britain has in her colonies 16,662,073 square miles, containing 322,000,000 inhabitants, while the mother country has 39,825,000 people, and 120,979 square miles. The United States has no colonies, yet our exports are larger than those of Great Britain, and our export trade in the last seven years has gained eighteen, while that of Great Britain has lost five, per cent.

Why should we now disregard the counsel of Washington, that: "The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible."

The colonial system inevitably brings war, and the proof of this assertion is, that in no two years of Queen Victoria's long reign has the British Empire been at peace with all the world.

Macaulay, the English historian, says:

"There are some who assert that in a military and political point of view the West Indies are of great importance to this country [meaning England]. This is a common but monstrous misrepresentation. We venture to say that colonial empire has been one of the greatest curses of modern Europe. What nation has it ever strengthened? What nation has it ever enriched? What have been its fruits? Wars of frequent occurrence and immense cost; fettered trade; lavish expenditure, clashing jurisdiction, corruption in government, and indigence among the people.

"What have Mexico and Peru done for Spain, the Brazils for Portugal, Batavia for Holland? Or, if the experience of others is lost upon us, shall

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we not profit by our own? What have we not sacrificed to our infatuated passion for trans-Atlantic dominion? This it is that has so often led us to risk our own smiling gardens and dear firesides for snowy desert and infectious morass on the other side of the globe. This inspired us with the project of conquering America. This induced us to resign all the advantages of our insular situation—to embroil ourselves in the intrigues and fight the battles of half the continent—to form coalitions which were instantly broken and to give subsidies which were never earned. This gave birth to the fratricidal war against American liberty, with all its barren victories, and all the massacres of the Indian hatchet, and all the bloody contracts of the Hessian slaughter-house.

"This it was which in the war against the French republic induced us to send thousands and tens of thousands of our bravest troops to die in West Indian hospitals, while the armies of our enemies were pouring over the Rhine and the Alps. When a colonial acquisition has been in prospect, we have thought no expenditure extravagant, no interference perilous. Gold has been but as dust, and blood as water. Shall we never learn wisdom? Shall we never cease to prosecute a pursuit wilder than the wildest dream of alchemy, with all the credulity and all the profusion of Sir Epicure Mammon?

"Those who maintain that settlements so remote conduce to the military or maritime power of nations, fly in the face of history. The colonies of Spain were far more extensive and populous than ours. Has Spain any time in the last two centuries been a match for England, either by land or sea? Fifty years ago our colonial dominions in America were far larger and more prosperous than those which we now possess. Have we since that time experienced any decay in our political influence, in our opulence, or in our security? Or shall we say that Virginia was a less valuable possession than Jamaica, or Massachusetts than Barbadoes?"

A great crisis is upon us, and our free institutions must be maintained by the intelligence and virtue of the people, or cease to exist. We cannot escape the peril by stopping our ears, as did Ulysses those of his sailors, when allured to ruin by the sirens' song. Let us keep them wide open, that we can hear the truth.

Let us listen to that lofty resolution of Congress declaring the war with Spain to be waged, not for conquest, but for humanity and the liberation of Cuba from Spanish despotism; and then let us hear with impatient disgust those who are shouting against "hauling down the flag," which they would dishonor and degrade by violating this solemn pledge.

Let the flag of our Republic not be "hauled down," but brought back to congenial soil where it will wave over freemen, instead of floating above conquered islands in another hemisphere and ten million half-barbarians bought for two dollars each.

G. G. VEST.

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NOTES AND COMMENTS.

SNOW TORNADOES.

SOME twenty years ago a North German physician built a winter sanitarium in the form of a glass gallery that admitted every gleam of sunshine, but excluded cold air currents, and invited health-seekers with an ornamental inscription: "*Waerme ist Leben, die Kaelte ist der Tod*"—"Warmth is Life, Cold is Death."

"Yes, death to microbes," replied the exponents of the germ theory, but to a numerous class of believers in the old sanitary frost-fables the climatic conditions of some parts of East America must have appeared almost as dangerous as the atmosphere of the Upas Valley.

The alternation of hot summers and icy winters, and the sudden changes of temperature, are not altogether peculiar to our continent, but the snow tornadoes that sweep from the polar regions to the very gates of the tropics are as distinctly an American institution as pension procurators and Sunday law spies. In Asia the progress of the Arctic gales is intercepted by an almost continuous chain of snow-clad mountain ranges; in Africa and Australia blizzards are as unknown as bald-headed eagles; in Europe every Mediterranean peninsula has a storm-shelter of its own: Spain the Pyrenees, Italy the Alps, Greece the Balkans, all high enough to moderate the speed of hyperborean invaders.

But in North America the trend of the two principal mountain chains agrees exactly with that of the two coldest air currents. On the Atlantic slope the northeast gale, "the ice-wind from Labrador," need not change its direction a fraction of a compass point to sweep along the valleys of the Alleghanies, and on the great central plateau the still icier northwest storms pour down the trough of the Rockies as through the funnel of a wind sail.

Hundreds, nay thousands, of miles beyond the latitudes that mark the limit of ice-storms in Europe, blizzards are yearly visitors to regions of East America whose summer climate entitles them to the name of the semi-tropics.

The Marseilles longshoremen can be seen working in shirt sleeves fifty weeks of the year, and the *tramontanes* that interrupt the perpetual spring of Genoa would only be called cool April winds in New England. But the actual April winds of Austin, Texas, more than a thousand miles farther south, often come in the form of fierce sleet storms, and the hotel-keepers of El Paso have to prevaricate like Kansas druggists to deny the occasional transit of a fullgrown snow tornado that flies four hundred miles further south, before it gets finally arrested for trespass on the reservation of the actual tropics.

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Yet El Paso is on the parallel of Morocco, where the glare of a perennial bake-oven heat has made the descendants of the Moriscoes almost indistinguishable from Ethiopians. In Brownsville, Texas, near the mouth of the Rio Grande, three hundred miles further south than the delta of the Nile, cottages with good sized fire-places rent at a premium, and in Monterey, Mexico, it gets cold enough almost to reconcile the natives to the Dingley tariff, which, as a correspondent of the Associated Press informs us, has impoverished stock farmers, but reduced the price of wool in the Mexican markets.

Arctic gales, indeed, pursue refugees from the severity of our Atlantic winters as the relentless Cossacks pursued the flight of DeQuincey's Calmuck Tartars—"A host of fiends chasing a host of maniacs;" and a Frenchman who settled at Sault Ste. Marie, Michigan, "because it was further south than Paris," seems really to have got scared out of his wits before the winter got half through with him.

If cold is really the arch enemy of health, the discovery of the North American mainland should be mourned as an international calamity, and a snow gale like that which some time ago raged from the lakes to the valley of the Tennessee River would have made immigrants from the neighborhood of the above mentioned sanitarium manager turn back in dismay, and rather pay the taxes of the Dreibund than encounter the triple-perils of storm, snow and frost.

But the sunrise of modern science has at last begun to dispel the fogs of the most mischievous of all sanitary superstitions. Consumption has been recognized as a house-disease. Like the Russian Grippe, catarrh, whooping coughs and bronchitis have been traced to the influence of atmospheric impurities and disease-germs that are developed by warm, stagnant air and expurgated by a low temperature. Consumptives, that cough out their lungs in the sweltering atmosphere of a tropical coast region, recover in the cold dry air of the upper Adirondacks. A Spanish physician of Santiago de Cuba proved that yellow fever, in all but the last *deliquium* stage of its development, can be readily cured in hospitals artificially cooled, as fruit dealers cool their storage-houses. In a paper read before a committee of the French Academy last year, a Paris surgeon describes several successful attempts to cure dyspepsia by inhaling the intensely cold air of an ice factory vault. The experience of the last two hundred years has convinced the settlers of our lower Gulf States that climatic disorders, defying all the resources of *materia medica*, yield readily to the influence of the first October frosts.

Jack Frost, indeed, seems to have been more outrageously slandered than Lord Byron, or Artillery-Captain Dreyfus. The health-seeker's truest friend has for centuries been denounced as a harbinger of death. The most effective specific for the cure of pulmonary disorders has been mistaken for their cause. Frost is nature's panacea for half a hundred different diseases, and the motto of the glass sanitarium should be answered as follows: "Yes, frost, long continued, will at last effect the destruction of all organic life; BUT will destroy disease germs long before it begins to affect the health, or even the comfort, of a human being."

Hence the physical vigor of our colonists in latitudes which, on the other side of the Atlantic, have metamorphosed the stoutest tribes of the Caucasian race. Spain was settled by the Visigoths, the iron-fisted giants who, in the battle of Chalons, beat back the storm of Attila's cavalry

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charges with battle-axes—beat and all but destroyed a million veteran troopers that had swept through the eastern provinces of the Roman Empire like a conflagration through a sun-parched grain field. Sicily was colonized by the Normans—cousins of the same all-conquerors that vanquished King Harold after his victory over the Danes.

"Gentlemen, you are in, and we are out," said an old Moorish sheik when he was forced to embark his followers at Palermo, "and you will stay till the consequences of your vices invite a race of stouter invaders"—but the sweltering climate alone did its work so thoroughly that the next conquerors did not think it worth their while to expel the groveling survivors.

But the settlers of Northern Texas and Northern Mexico have been actually improved by their removal from a higher to a lower latitude, and even from a land of cooler to a land of warmer summers. The "average temperature" of the Rio Grande Valley is warmer than that of Spain or any other part of Western Europe, but the coldest north storms are so much colder that the short winter enables the settlers to accumulate a reserve fund of vigor for the rest of the year. The Mexican states of Chihuahua and Tamaulipas breed *vaqueros* that can run our toughest cowboys a close race in rough-riding and tricks of wild daring, and would rout modern Spanish infantry as the Spaniards of Balboa routed the natives of the Central American coast regions. The dominant race of modern Texas and Arkansas is composed of British, French and German immigrants and their descendants, and between the Arkansas River and the Rio Grande six-footers are now far more numerous, per thousand inhabitants, than in any part of Germany, France or Great Britain.

But further south, that contrast is suddenly reversed; in the perpetual summer climate of Southern Mexico and the Southern West Indies the Creoles have degenerated beyond any South European degree of degeneration, and the difference between the *Indios Bravos* (Apaches, Yaquis, Comanches, etc.) of the North Mexican border and the *Indios Mansos* of the South, is as great as that between the Arab tribes of Mount Atlas and the Egyptian Fellahs.

The extreme southern limit of the blizzard-range, in fact, marks a sanitary division line almost as unmistakable as that of the European Alps.

The much-maligned snow-tornadoes that traverse a bee-line route equalling the distance from northernmost Norway to the center of the Sahara, should be recognized as one of the chief blessings of our continent. the yearly visit of nature's microbe-killer prevents countless diseases and nips countless others in the bud; and, like the first British colony of Tasmania, several of our Southern States might specify their inducements to immigrants: free land, free fuel and free medical attendance.

F. L. OSWALD.

SHEATHING WARSHIPS.

THE question of copper sheathing our naval vessels is one that constantly comes to the surface in emergencies like the present. Nearly all of our modern yachts built of wood are sheathed with copper, and so are many of the sea-going tugs and wooden merchant vessels. The operation is an expensive one, but in the end it is questionable whether the results do not justify the extra outlay. The navies of the world have been interested in the subject for a long time, and copper was applied to sheathing war vessels as far back as 1761, and nearly every other anti-fouling substance imaginable

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has been experimented with at various times. From 1620 to 1770 the Colonial and English shipbuilders used lead as a sheathing material, and they nailed it on the wooden bottoms of their ships with large copper nails. Later, a mixture of tar, pitch, and brimstone was applied to the bottoms to protect the ships from the barnacles and teredo.

But England made the first attempt to sheath vessels of the modern iron and steel navies in 1868, when the iron cruiser "Inconstant" was prepared for service in warm seas. She had her bottom completely sheathed in copper, and she proved so successful that between that date and 1889 thirty-two other vessels of the English navy were copper-sheathed. The process adopted then was a little crude compared with present-day methods. The bottom was what is called flush-plated, with heavy seam straps on the outside. Since 1889 the British Admiralty has made it a practice to copper-sheath every war vessel intended for foreign waters where docking facilities were poor, and the result is England has a large fleet of copper-sheathed cruisers that could stay in tropical waters for a long period without becoming badly fouled.

In our navy, copper-sheathing of the new vessels has had its advocates, but little has been done in a practical way in this direction. When the first members of the White Squadron, the "Chicago," "Boston," "Atlanta," and "Dolphin," were built, the Naval Advisory Board considered the question of copper-sheathing their bottoms, but it decided adversely. It was estimated then that it would cost $75,000 to sheath the "Chicago" and a little less for the others. The decision then reached established a precedent that has been difficult to overcome.

There were two other important objections to performing the work besides that of expense, and the Naval Advisory Board at that time justified their decision, which has had such a far reaching effect ever since. One was that the copper-sheathing would add enormously to the weight of the cruisers, and thus reduce their speed. In the case of the "Chicago" it was estimated that the additional weight would be about 255 tons, and 160 tons each for the "Boston" and "Atlanta." The second consideration was that the process of copper-sheathing was far from perfection, and that it was barely beyond the experimental stages. A slight derangement or scratch of the copper plates might at any time expose the steel hull to great danger. Galvanic action might begin instantly, and do considerable damage before the ship could be docked. As an instance of what damage can be created in this way on short notice mention should be made of the cruiser "Cincinnati." She anchored alongside of a copper-sheathed vessel at her moorings, and as a result her bottom was seriously injured. It is a strict order in the navy now that an unsheathed vessel is never to anchor alongside of a sheathed steamer of any kind.

Copper sheathing is not a perfect anti-fouler, and consequently experiments are being made continually with paints and compositions to preserve the hulls of our warships. Some curious substances are tried for this work, and the results are of historical interest if not of exact scientific value. The Japanese, for instance, startled the navies of the world by announcing a number of years ago that they had discovered the great sheathing material for the future. This was nothing more than Japanese lacquer prepared in a certain way. A lacquer manufacturer of Tokio made experiments in covering steel plates with his lacquer, and these were submerged in salt water for many months. The condition of the plates after they were recovered

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seemed to justify further experiments, and the steamer "Fuso-kan" was docked, and part of her bottom sheathed with the lacquer. Immediately after an examination of her hull a year later, the Japanese Admiralty ordered a cruiser to be treated by this process, and the European nations, not to be left behind in the game, followed suit. The Russian Government had the warships "Dmitri Donskoi" and "Admiral Nachimoff" lacquered in 1890, and the United States naval authorities took cognizance of the new invention in 1891. In that year the Japanese lacquering company sent over steel plates treated with the new preservative, which were submerged at the Norfolk Navy Yard and taken up three months later. Nothing, however, was done by our Government to adopt this method of preserving our warships from fouling, and for various reasons the Japanese process of lacquering warships' bottoms has not made much advance in the European navies.

All of the governments have fallen back upon copper, or compositions in which copper is the predominant metal, for sheathing their warships. Electroplating the bottoms of ships with copper has recently been experimented extensively with, and this does away with many of the old objections to copper sheathing. Where the copper plates were nailed on the ships, "pitting" nearly always started at the nail holes. If the salt water was allowed to enter here even in the smallest quantity, corrosion would begin at once, and in a short time do great damage to the steel hull. In electroplating, however, the copper sheathing is put on in one unbroken mass, and there is no danger from "pitting." When the whole surface has been electroplated with copper a smooth and unbroken surface is presented, and it fits so closely that the sheathing cannot be removed without sometimes chipping off the iron. Moreover, this sheathing is merely a light film of copper, and its weight is so small that it averages only 2.85 pounds to the square foot.

While copper sheathing is not a perfect anti-fouling material, it is so satisfactory that ships with their bottoms so treated can often remain in warm seas for two years without being docked. Ordinarily an unsheathed vessel could not remain in such waters more than six months without having its bottom so covered with barnacles that its speed would be seriously reduced. Copper sheathing not only gives a smooth surface which offers no friction to the water, but the barnacles are killed by the poison from the copper. The small marine animals attach themselves to this copper surface and absorb the poison, which kills them and makes them drop off. This poison is produced by the gradual dissolution of the copper by coming in contact with the salt water. The chemical process in time ruins the copper bottom, and if it does not dissolve fast enough the marine animals secure a good foothold on it. All of the anti-fouling paints and compositions imitate the action of copper. Most of them are composed of copper, mercury, zinc, or arsenic. Next to copper, zinc has been used more commonly in European navies than any other metal, but this does not act as well in salt water as copper, and its use is gradually dying out.

G. E. WALSH.

LABOR-SAVING DEVICES IN LITERARY WORK.

IN approaching the question as to what has been done by literary men to lighten the mechanical side of their labors, we are struck with their lack of progress. The reasons for this deficiency are two-fold; the literary man is not a mechanic, and he believes this side of his work to be beneath his

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consideration. But in looking at the writer as a machine producing marketable material, which is after all the most important aspect of his profession, the importance of this question becomes at once far greater.

I use the term "literary man" in its broadest sense, to include everyone who uses his brain for composition. Personally I was never more impressed with this lack of progress than in reading a recent magazine account of the reporting of the inauguration of a president of the United States. The material, collected in a rapid, skilful manner, was written out by the reporter, word by word; twelve hours being required for the task. The entire nervous energy of the reporter was exhausted by the work. There should have been some method devised by which this work could have been done in at least one-third the time and with one hundredth expenditure of energy. This importance grows doubly significant in the light of the recent views of physiologists that life is simply an impetus given to our organism at its birth, which can be used up speedily or spread over a number of years.

There are many serious objections to the use of the pen in composing. There is a great disparity between the speed of thought and that of the pen; the thought is frequently lost before it can be recorded. This chase after thought accounts for the bad penmanship of the average literary worker. Again, the manual labor involved soon tires the body and fatigues the fancy, especially as the silly mediæval habit of crippling the left hand is still in vogue among our writing masters.

The two great methods of shortening the labors of composition are at present stenography and the use of the phonograph. Shorthand writing has many disadvantages, for if one does the work himself he is compelled to write it out afterwards or dictate it to some one else, as each writer's system is generally intelligible only to himself. This does not shorten time or labor. If one has the work done, it simply transfers the expenditure of time and labor to some one else, and does not shorten the time between composition and possible publication. Again, the average stenographer is of little service in steady literary work; being generally poorly educated and tiring easily in brain and hand, he is more or less of a broken reed. A very rapid long-hand writer frequently does far better; a composer can generally slow his pace sufficiently to dictate his work in this way.

The use of the phonograph is the alternative for more rapid composition. The writer has refrained from expressing an opinion until he has used it for ten months. His experience has taught him that the phonograph requires a training similar to that required in learning the use of the typewriter; for example, after the "recording cylinder" is put in place, there appears at once in the dictater a sense of hurry, more intense than that experienced at best in dictating to a stenographer. It takes time to learn to keep one's wits from being distracted by gazing at the revolving wheels. Then, again, he must learn the management of a delicate machine that must be kept in perfect order; he must learn to articulate properly and to stop his machine when not actually dictating.

The most serious objection to the phonograph, as to the stenographer, is that it requires some one to take off the dictation. If the writer does this himself he saves no time; besides, the labor of "reading off the cylinder" is very brain fatiguing. There is, too, the same likelihood of mistakes, for, despite all care, words will sound indistinct and misleading.

In looking into the future, we find ourselves staring at a blank wall; for, with the exception of the phonograph and the typewriter, no recent ad-

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vance has been made in lessening literary work. The ideal method of composition would be the use of some machine into which the operator could talk and have his spoken word reproduced at once on paper as the written word; but, unfortunately, like printing photographs in colors, each succeeding advance and discovery in the world of invention seems to make this hope more and more improbable. The insurmountable difficulty lies in the fact that there is no connection between the sound of a word and its appearance on paper. We will never reach this ideal state. It has its disadvantages, too, for probably it would turn the whole world into a producer of literature in its broadest sense, for composition would be so easy. This might drive the present writers to the wall by mere force of numbers; so its improbability may be their preservation.

This leaves us with practically only the phonograph as our hope for future development. The simplest method developing along the line on which the phonograph has started, would be to retain the articles on the cylinder all the way from writer to editor and compositor: the writer to send his articles to the editor on his cylinders, the editor to judge of their adaptability to his use by "reading them off" on his own machine; on their acceptance, the compositor to set them up in type directly from the cylinders, so that the first time that they would be seen in legible form would be in "galley proof." In this way the trouble of reproducing the articles in written form would be avoided. Of course, this method would require the education of literary men who could judge of their work without the help of the eye; of editors who could judge of the merit of articles and their length by the ear alone, and of compositors who would be similarly placed. But this objection is one that can be made to all advance in any line. Undoubtedly educating all three divisions of workers to do work in this way is perfectly possible. But it seems as though nature intended to every substantial advance to attach a corresponding defect. The wonderful machinery by which the manufacturers of to-day produce such great amounts of furniture would astound the comprehension of our grandfathers; but the furniture of our grandfathers will still exist as heirlooms long after our modern furniture has become unglued and unsewed. So it is with writing rapidly produced; it is exactly the difference between machine and hand-made articles. We could not imagine Milton dictating his "Paradise Lost" on a phonograph. His work was done only by many years of hardest thought. The same amount of material could be rattled off on a phonograph in a week's time, but it would last in the public mind but a week, while Milton wrote for eternity.

Undoubtedly, as we progress more advance will be made in preparing literary work for use, but these devices can be used only where quantity is wanted and quality not demanded. That will be its limitations. For writing letters and describing inaugurations the phonograph, or some better machine, will come into general use in future years; but for the higher form of literature, undoubtedly the quill which was used by Shakespeare and Addison did the best work, and the writer who would emulate them in the smallest degree must use their methods. The mechanical work of Elizabeth's and Anne's time seems to us as nothing, but we have yet to excel the work of their literary men.

J. HOWE ADAMS.

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INDIAN AND SPANISH EDUCATION.

I EARNESTLY hope that Congress and the Administration will promptly adopt the plan recommended by Miss Reel for the education of Indian youth. The schools should be located among the Indian people, and the course of study and training should bear directly upon the probable future responsibilities and duties of the pupils. It will be folly in the future, as it has been in the past, to educate Indian youth over the heads of their people. A literary culture which has nothing in common with Indian life, either takes Indian boys permanently away from their tribes, or makes them helpless and useless on their hands; in either case the money and effort spent on them are without useful result to the tribes.

To raise the Indian people to a higher plane, we must get our lever down low enough for them to take strong hold. Their cordial co-operation is necessary. The reading and writing, the elementary science, the manual and industrial training, must be of a character to win popular approval among the Indian people, so that they will encourage regular attendance, and even help support the schools.

To this end the entire scheme of education must be planned from an intimate knowledge of the Indian character and the Indian environment.

I have great faith in manual training to arouse and sustain an interest in school work on the part of the Indian youth and their parents, but it must be very simple and carefully chosen. The education that is to succeed must bear immediate fruit; its value must be at once apparent to the narrow-minded, selfish and ignorant. The normal product of an Indian school must be an Indian still, but one who is both willing and able to raise the standard of working and living in an Indian community. The boys and the girls are to be trained, not to cease to be Indians, but to be better Indians.

The problem of Indian education is by no means solved. The bookish schoolmaster never will solve it. The solution lies, in my judgment, along the line indicated by Miss Reel; but failure is still possible. It will take considerable money, infinite patience and discretion, and twenty years' time to give the experiment a fair trial.

Similar schemes for popular education in Cuba and Porto Rico are needed. The proposition to bring a few hundred Cuban or Porto Rican boys to American colleges will accomplish practically nothing. The boys would either fail as students and be sent home in disgrace, or succeeding as students they would fail to go back to Cuba or Porto Rico to live.

Spain planted her wretched style of civilization on those islands by sending her priests and teachers and colonists to live among them, and to train up new generations to their ideas. If we would regenerate those motley inhabitants so as to make them fit for self-government or for equal citizenship with us, we must go about it in a similar way, and we must not look for speedy results. A people can be regenerated only by replacing one generation by another and better one, and generally that by still another. But the fact that the task is long and difficult makes it all the more necessary that the work be begun soon and begun well.

C. M. WOODWARD.

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